



General Assembly

Substitute Bill No. 5832

February Session, 2000

An Act Concerning Reforming The Sheriff System.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 6-32d of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 [Except as otherwise agreed between the advisory board and the
4 Department of Correction or other appropriate agency, the]

5 (a) The Judicial Department shall have the responsibility for
6 transportation and custody of prisoners [shall be assumed] as follows:

7 (1) [Each high sheriff] The Judicial Department shall be responsible
8 for the transportation of male prisoners between courthouses within
9 his county and: (A) Community correction centers, until sentencing;
10 (B) other places of confinement after arraignment and until sentencing;
11 and (C) the place of initial confinement, after sentencing. [In addition,
12 each high sheriff shall be responsible for the transportation of adult
13 female prisoners between courthouses within his county and
14 community correction centers, not including the correctional
15 institution at Niantic. If such transportation is in other than state
16 vehicles, the owner of the vehicle used shall be reimbursed by the state
17 at the rate then established for state employees within the Office of
18 Policy and Management.]

19 (2) The Judicial Department [of Correction] shall be responsible for

20 the transportation of adult female prisoners between places of
21 confinement and either courthouses or community correction centers.
22 [, at the discretion of the Commissioner of Correction.] In the
23 transportation of prisoners between courthouses and community
24 correctional centers, there shall be complete separation of male and
25 female prisoners.

26 [(3) Each high sheriff shall be responsible for the custody of
27 prisoners at courthouses within his county, except that the]

28 (3) The Judicial Department shall be responsible for the custody of
29 prisoners at courthouses, except that the local police operating any
30 lockup which is designated by the Chief Court Administrator as a
31 courthouse lockup shall be responsible for the custody of prisoners
32 within that lockup. In addition, if such designated lockup is not in the
33 same building as the courthouse serviced by it, the local police
34 operating such designated lockup shall be responsible for escorting
35 prisoners from the lockup to the courthouse. The town in which such a
36 designated lockup is located shall be reimbursed pursuant to section 7-
37 135a.

38 (4) In Hartford County, the Lafayette Street courthouse shall be
39 used as housing for persons arrested by the police department of the
40 city of Hartford and held for presentment at the next session of the
41 court pursuant to the following terms and conditions: (A) No arrestees
42 shall be admitted or released directly to or from the lockup, and no
43 social visits shall be permitted at the lockup; (B) all processing and
44 booking shall be accomplished by the police department of the city of
45 Hartford at its booking facility; (C) after arrival at the lockup and prior
46 to arraignment, the release of any arrestee, with or without bond, shall
47 be accomplished by the police department of the city of Hartford from
48 its booking facility; and (D) the [high sheriff of Hartford County]
49 Judicial Department shall be responsible for the operation of the
50 lockup at the Lafayette Street courthouse and the transportation of
51 arrestees prior to arraignment from the Morgan Street facility or other
52 booking facility of the police department of the city of Hartford.

53 (b) The Judicial Department shall employ judicial police officers as
54 necessary for prisoner custody and transportation responsibilities
55 pursuant to this section. The Chief Court Administrator may establish
56 employment standards and implement appropriate training programs
57 to assure secure prisoner transportation. All deputy sheriffs and
58 special deputy sheriffs serving as prisoner transportation personnel on
59 the effective date of this act may continue such service as employees of
60 the Judicial Department. Any property used by the sheriffs for
61 prisoner transportation shall be transferred to the Judicial Department.

62 Sec. 2. (NEW) The Judicial Department shall be responsible for
63 courthouse security and shall employ judicial police officers as
64 necessary for such purpose. The Chief Court Administrator may
65 establish employment standards and implement appropriate training
66 programs to assure court security. All deputy sheriffs and special
67 deputy sheriffs serving as court security personnel on the effective
68 date of this act shall continue such service as employees of the Judicial
69 Department. Any property used by the sheriffs for court security shall
70 be transferred to the Judicial Department.

71 Sec. 3. (NEW) After the effective date of this act, the Chief Court
72 Administrator shall require an applicant for employment as a judicial
73 police officer pursuant to sections 1 and 2 of this act to submit to a
74 criminal record background investigation, to be conducted by the
75 Department of Public Safety and the Federal Bureau of Investigation.
76 The applicant shall pay all processing fees incurred for such
77 investigation.

78 Sec. 4. Subdivision (9) of section 53-278a of the general statutes is
79 repealed and the following is substituted in lieu thereof:

80 (9) "Peace officer" means a municipal or state police officer [, sheriff,
81 deputy sheriff] or chief inspector or inspector in the Division of
82 Criminal Justice or state marshal or judicial police officer while
83 exercising authority granted under any provision of the general
84 statutes.

85 Sec. 5. Subdivision (9) of section 53a-3 of the general statutes is
86 repealed and the following is substituted in lieu thereof:

87 (9) "Peace officer" means a member of the Division of State Police
88 within the Department of Public Safety or an organized local police
89 department, a chief inspector or inspector in the Division of Criminal
90 Justice, [a sheriff, deputy sheriff or special deputy sheriff] a state
91 marshal or judicial police officer while exercising authority granted
92 under any provision of the general statutes, a conservation officer or
93 special conservation officer, as defined in section 26-5, a constable who
94 performs criminal law enforcement duties, a special policeman
95 appointed under section 29-18, 29-18a or 29-19, an adult probation
96 officer, appointed under section 54-104, an official of the Department
97 of Correction authorized by the Commissioner of Correction to make
98 arrests in a correctional institution or facility, any investigator in the
99 investigations unit of the Office of the State Treasurer or any special
100 agent of the federal government authorized to enforce the provisions
101 of Title 21 of the United States Code.

102 Sec. 6. Section 54-1f of the general statutes is repealed and the
103 following is substituted in lieu thereof:

104 (a) For purposes of this section, the respective precinct or
105 jurisdiction of a [deputy sheriff or a special deputy sheriff] state
106 marshal shall be wherever he is required to perform his duties. Peace
107 officers, as defined in subdivision (9) of section 53a-3, in their
108 respective precincts, shall arrest, without previous complaint and
109 warrant, any person for any offense in their jurisdiction, when the
110 person is taken or apprehended in the act or on the speedy information
111 of others, provided that no constable elected pursuant to the
112 provisions of section 9-200 shall be considered a peace officer for the
113 purposes of this subsection, unless the town in which such constable
114 holds office provides, by ordinance, that constables shall be considered
115 peace officers for the purposes of this subsection.

116 (b) Members of the Division of State Police within the Department

117 of Public Safety or of any local police department or any chief
118 inspector or inspector in the Division of Criminal Justice shall arrest,
119 without previous complaint and warrant, any person who the officer
120 has reasonable grounds to believe has committed or is committing a
121 felony.

122 (c) Members of any local police department or the Office of State
123 Capitol Police, [sheriffs, deputy sheriffs, special deputy sheriffs and]
124 constables and state marshals who are certified under the provisions of
125 sections 7-294a to 7-294e, inclusive, and who perform criminal law
126 enforcement duties, when in immediate pursuit of one who may be
127 arrested under the provisions of this section, are authorized to pursue
128 the offender outside of their respective precincts into any part of the
129 state in order to effect the arrest. Such person may then be returned in
130 the custody of such officer to the precinct in which the offense was
131 committed.

132 (d) Any person arrested pursuant to this section shall be presented
133 with reasonable promptness before proper authority.

134 Sec. 7. (NEW) (a) "State marshal" means a qualified deputy sheriff
135 incumbent on June 30, 2000, under section 6-38 of the general statutes,
136 as amended by this act, who shall have exclusive authority to provide
137 legal execution and service of process in the counties in this state
138 pursuant to section 6-38 of the general statutes, as amended by this act,
139 as an independent contractor compensated on a fee for service basis,
140 determined, subject to any minimum rate promulgated by the state, by
141 agreement with an attorney, court or public agency requiring
142 execution or service of process.

143 (b) Any state marshal, shall, in the performance of execution or
144 service of process functions, have the right of entry on private property
145 and no such person shall be personally liable for damage or injury, not
146 wanton, reckless or malicious, caused by the discharge of such
147 functions.

148 Sec. 8. (NEW) (a) There is established a State Marshal Commission

149 which shall consist of eleven members appointed as follows: (1) The
150 Chief Justice shall appoint two judges of the Superior Court; (2) the
151 speaker of the House of Representatives shall appoint two members,
152 one of whom shall be a state marshal, the president pro tempore of the
153 Senate shall appoint two members, one of whom shall be an attorney,
154 the minority leader of the House of Representatives shall appoint two
155 members, one of whom shall be an attorney and the minority leader of
156 the Senate shall appoint two members, one of whom shall be a state
157 marshal; and (3) the Governor shall appoint a chairperson.

158 (b) The chairperson shall serve for a three-year term and all
159 appointments of members to replace those whose terms expire shall be
160 for terms of three years.

161 (c) No more than five of the members, other than the chairperson
162 may be members of the same political party. Of the nine nonjudicial
163 members, other than the chairperson, at least four shall not be
164 members of the bar of any state.

165 (d) If any vacancy occurs on the commission, the appointing
166 authority having the power to make the initial appointment under the
167 provisions of this section shall appoint a person for the unexpired term
168 in accordance with the provisions of this section.

169 (e) Members shall serve without compensation but shall be
170 reimbursed for actual expenses incurred while engaged in the duties of
171 the commission.

172 (f) The commission shall establish professional standards, including
173 training requirements and minimum fees for execution and service of
174 process.

175 (g) Any vacancy in the position of state marshal in any county as
176 provided in section 6-38, as amended by this act, shall be filled by the
177 commission. Any applicant for such vacancy shall be subject to the
178 application and investigation requirements of the commission.

179 (h) No state marshal may be removed except by order of the
180 commission for cause after due notice and hearing.

181 (i) The commission may adopt such rules as it deems necessary for
182 conduct of its internal affairs and for the application and investigation
183 requirements for filling vacancies in the position of state marshal.

184 (j) The commission shall be an autonomous body within the Judicial
185 Department for fiscal and budgetary purposes only.

186 Sec. 9. Section 6-38 of the general statutes is repealed and the
187 following is substituted in lieu thereof:

188 The number of [deputy sheriffs] state marshals to be appointed for
189 Hartford County shall not exceed seventy-two; for New Haven
190 County, sixty-two; for New London County, thirty-eight; for Fairfield
191 County, fifty-five; for Windham County, eighteen; for Litchfield
192 County, thirty; for Middlesex County, twenty-one; for Tolland County,
193 twenty-two. [In addition to such number, sheriffs may appoint each
194 other as a deputy in their respective counties and on special occasions
195 may depute any proper person to execute any process. No person not a
196 citizen of this state shall be appointed a deputy sheriff.]

197 Sec. 10. (NEW) The Chief Court Administrator shall employ, within
198 available appropriations for such purpose, such staff as are necessary
199 to support the transferred functions of the county sheriff system. The
200 Chief Court Administrator shall first offer such employment to
201 qualified persons employed in the administration of the county sheriff
202 system on July 1, 2000.

203 Sec. 11. Section 6-43 of the general statutes is repealed and the
204 following is substituted in lieu thereof:

205 [In case of riot or civil commotion or reasonable apprehension
206 thereof, or when he deems it necessary for the prevention or
207 investigation of crime, or when needed for attendance at court, the
208 sheriff of any county may appoint special deputy sheriffs in such

209 numbers as he deems necessary. Special deputy sheriffs shall be sworn
210 to the faithful performance of their duties and, having been so sworn,
211 shall have all the powers of the sheriff as provided by law, except as to
212 service of civil process; and such special deputies shall continue to
213 hold their office as long as the term of office of the sheriff appointing
214 them, unless sooner removed for just cause after due notice and
215 hearing.] From July 1, 1997, to June 30, 1999, special deputy sheriffs
216 shall be subject to the provisions of chapter 68, except that said special
217 deputies shall not be allowed to petition the [State Labor Board]
218 Connecticut State Board of Labor Relations to form a bargaining unit
219 prior to July 1, 1999. On and after July 1, 1999, special deputy sheriffs
220 shall be subject to the provisions of chapters 66 to 68, inclusive.

221 Sec. 12. (NEW) Any state marshal shall pay over to the person
222 authorized to receive it, any money collected by such marshal on
223 behalf or on account of such person, within ninety calendar days from
224 the date of collection of the money or upon the collection of one
225 thousand dollars, whichever first occurs, provided any state marshal
226 who fails to pay over to the person authorized to receive it, any money
227 collected by such marshal on behalf or for the account of such person,
228 within ninety calendar days from the date of collection of the money or
229 upon the collection of one thousand dollars, shall be liable to such
230 person for the payment of interest on the money at the rate of five per
231 cent per month from the date on which such state marshal received the
232 money.

233 Sec. 13. Subsection (k) of section 1-79 of the general statutes, as
234 amended by public act 99-56, is repealed and the following is
235 substituted in lieu thereof:

236 (k) "Public official" means any state-wide elected officer, any
237 member or member-elect of the General Assembly, any person
238 appointed to any office of the legislative, judicial or executive branch
239 of state government by the Governor or an appointee of the Governor,
240 with or without the advice and consent of the General Assembly, [any
241 sheriff or deputy sheriff,] any person appointed or elected by the

242 General Assembly or by any member of either house thereof, and any
243 member or director of a quasi-public agency, but shall not include a
244 member of an advisory board, a judge of any court either elected or
245 appointed or a senator or representative in Congress.

246 Sec. 14. Subsections (a) and (b) of section 1-83 of the general statutes
247 are repealed and the following is substituted in lieu thereof:

248 (a) (1) All state-wide elected officers, members of the General
249 Assembly, department heads and their deputies, members of the
250 Gaming Policy Board, the executive director of the Division of Special
251 Revenue within the Department of Revenue Services, members or
252 directors of each quasi-public agency, [sheriffs and deputy sheriffs]
253 state marshal and such members of the Executive Department and
254 such employees of quasi-public agencies as the Governor shall require,
255 shall file, under penalty of false statement, a statement of financial
256 interests for the preceding calendar year with the commission on or
257 before the May first next in any year in which they hold such a
258 position. Any such individual who leaves his office or position shall
259 file a statement of financial interests covering that portion of the year
260 during which he held his office or position. The commission shall
261 notify such individuals of the requirements of this subsection within
262 thirty days after their departure from such office or position. Such
263 individuals shall file such statement within sixty days after receipt of
264 the notification.

265 (2) Each state agency, department, board and commission shall
266 develop and implement, in cooperation with the Ethics Commission,
267 an ethics statement as it relates to the mission of the agency,
268 department, board or commission. The executive head of each such
269 agency, department, board or commission shall be directly responsible
270 for the development and enforcement of such ethics statement and
271 shall file a copy of such ethics statement with the Department of
272 Administrative Services and the Ethics Commission.

273 (b) (1) The statement of financial interests, except as provided in

subdivision (2) of this subsection, shall include the following information for the preceding calendar year in regard to the individual required to file the statement and his spouse and dependent children residing in the individual's household: (A) The names of all businesses with which associated; (B) the category or type of all sources of income in excess of one thousand dollars, amounts of income shall not be specified; (C) the name of securities in excess of five thousand dollars at fair market value owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; (D) the existence of any known blind trust and the names of the trustees; (E) all real property and its location, whether owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; (F) the names and addresses of creditors to whom the individual, his spouse or dependent children, individually, owed debts of more than ten thousand dollars; and (G) any leases or contracts with the state held or entered into by the individual or a business with which he was associated. (2) The statement of financial interests filed by [sheriffs and deputy sheriffs] state marshals shall include only amounts and sources of income earned in their capacity as [sheriffs or deputy sheriffs] state marshals.

Sec. 15. Section 1-102 of the general statutes is repealed and the following is substituted in lieu thereof:

No person, committee, association, organization or corporation shall employ any salaried commissioner or deputy commissioner of this state, [the sheriff of any county] or any person receiving a salary or pay from the state for services rendered and performed at Hartford, or shall give to any such person any advantage, aid, emolument, entertainment, money or other valuable thing for appearing for, in behalf of or in opposition to, any measure, bill, resolution or petition pending before the General Assembly or any committee thereof, or for advancing, supporting, advocating, or seeking to secure the passage, defeat or amendment of any such measure, bill, resolution or petition

308 pending in or before the General Assembly or any committee thereof;
309 nor shall any such salaried commissioner, deputy commissioner [,
310 sheriff] or other person described in this section accept any such
311 employment or perform any such service for another, or accept aid,
312 emolument, entertainment, money, advantage or other valuable thing
313 for or in consideration of any such service. Any person, committee,
314 association, organization or corporation, or any such salaried
315 commissioner, deputy commissioner [, sheriff] or person receiving a
316 salary or pay from the state for services rendered and performed at
317 Hartford, who violates any of the provisions of this section shall be
318 fined not less than one hundred nor more than one thousand dollars.
319 All complaints for the violation of this section shall be made to the
320 state's attorney for the judicial district of New Britain, and he shall,
321 upon proof of probable guilt being shown, cause the arrest of any such
322 offender and present him or cause him to be presented for trial before
323 the superior court for the judicial district of New Britain.

324 Sec. 16. Section 2-7 of the general statutes is repealed and the
325 following is substituted in lieu thereof:

326 (a) Whenever the Governor, the members of the General Assembly
327 or the president pro tempore of the Senate and the speaker of the
328 House of Representatives call a special session of the General
329 Assembly, the Secretary of the State shall give notice thereof by
330 mailing a true copy of the call of such special session, by first class
331 mail, evidenced by a certificate of mailing, to each member of the
332 House of Representatives and of the Senate at his or her address as it
333 appears upon the records of said secretary not less than ten nor more
334 than fifteen days prior to the date of convening of such special session
335 or by causing a true copy of the call to be delivered to each member by
336 a [sheriff, deputy sheriff] state marshal, constable, state policeman or
337 indifferent person at least twenty-four hours prior to the time of
338 convening of such special session.

339 (b) Whenever the Secretary of the State is required to reconvene the
340 General Assembly pursuant to article third of the amendments to the

341 Constitution of Connecticut, said secretary shall give notice thereof by
342 mailing a true copy of the call of such reconvened session, by first class
343 mail, evidenced by a certificate of mailing, to each member of the
344 House of Representatives and of the Senate at his or her address as it
345 appears upon the records of said secretary not less than five days prior
346 to the date of convening of such reconvened session or by causing a
347 true copy of the call to be delivered to each member by a [sheriff,
348 deputy sheriff] state marshal, constable, state policeman or indifferent
349 person at least twenty-four hours prior to the time of convening of
350 such reconvened session.

351 Sec. 17. Section 2-61 of the general statutes is repealed and the
352 following is substituted in lieu thereof:

353 The Secretary of the State shall deliver five hundred copies of the
354 revised statutes, of each supplement to the general statutes and of each
355 revised volume thereof and three hundred fifty copies of each volume
356 of the public acts and special acts to the State Library for its general
357 purposes and for exchange with other states and libraries, and four
358 hundred copies of the revised statutes, of each supplement, of each
359 revised volume and of each volume of the public acts, and such
360 additional number of each as the executive secretary of the Judicial
361 Department certifies as necessary, for the use of any of the state-
362 maintained courts, and one hundred fifty copies of each volume of the
363 special acts to said executive secretary for distribution to state-
364 maintained courts, and, to the several departments, agencies and
365 institutions of the executive branch of the state government, as many
366 copies of the revised statutes, of each supplement, of each revised
367 volume and of each of the volumes of public acts and special acts as
368 they require for the performance of their duties. He shall send free of
369 charge one copy of the revised statutes, of each supplement to the
370 general statutes, of each revised volume thereof and of each of the
371 volumes of public acts and special acts to the Governor, Lieutenant
372 Governor, Treasurer, Secretary of the State, Attorney General,
373 Comptroller, Adjutant General, [each sheriff,] each town clerk, each
374 probate court, the police department of each municipality having a

375 regularly organized police force, each assistant to the Attorney
376 General, and each county law library; and he shall supply free of
377 charge one copy of the revised statutes to each member of the General
378 Assembly at the first session in which he serves as a member and, at
379 each session in which he serves, one copy of each revised volume
380 thereof and of each supplement not previously supplied to him, such
381 distribution of the statutes and supplements to be made within thirty
382 days after the election or reelection of such member, and, following
383 each session at which he serves, one volume of each of the public acts
384 and special acts passed at such session; and to the clerks of the House
385 and Senate, each, one copy of the revised statutes, of each revised
386 volume thereof, of each supplement and one volume of each of the
387 public acts and special acts for use in the clerks' office.

388 Sec. 18. Section 3-96 of the general statutes is repealed and the
389 following is substituted in lieu thereof:

390 The Secretary shall keep in his office, for public inspection, a copy of
391 the list of the judges and clerks of the Superior Court, and of the state's
392 attorneys, [and sheriffs,] with the date of their respective appointments
393 and terms of service and shall, from time to time, add to said list the
394 names of persons thereafter appointed or elected to the offices named.
395 The Chief Court Administrator shall furnish the Secretary a certified
396 list of the chief clerks, deputy chief clerks, clerks, deputy clerks and
397 assistant clerks appointed by the judges of the Superior Court at their
398 annual meeting, and any judge making an appointment to fill a
399 vacancy shall, in like manner, certify to such appointment; and the
400 chief clerk of the Superior Court in each judicial district shall notify the
401 Secretary whenever a new appointment is made for the office of state's
402 attorney for his judicial district. The Secretary shall, when requested,
403 certify to the official character of the officers whose appointment is
404 recorded as herein provided.

405 Sec. 19. Section 3-125 of the general statutes is repealed and the
406 following is substituted in lieu thereof:

407 The Attorney General shall appoint a deputy, who shall be sworn to
408 the faithful discharge of his duties and shall perform all the duties of
409 the Attorney General in case of his sickness or absence. He shall
410 appoint such other assistants as he deems necessary, subject to the
411 approval of the Governor. The Attorney General may also appoint not
412 more than four associate attorneys general who will serve at the
413 pleasure of the Attorney General and will be exempt from the
414 classified service. The Attorney General shall have general supervision
415 over all legal matters in which the state is an interested party, except
416 those legal matters over which prosecuting officers have direction. He
417 shall appear for the state, the Governor, the Lieutenant Governor, the
418 Secretary, the Treasurer and the Comptroller, and for all heads of
419 departments and state boards, commissioners, agents, inspectors,
420 committees, auditors, chemists, directors, harbor masters, [high
421 sheriffs or their chief deputies, except in such matters for which high
422 sheriffs or their chief deputies are insured or required to be insured by
423 the general statutes,] and institutions and for the State Librarian in all
424 suits and other civil proceedings, except upon criminal recognizances
425 and bail bonds, in which the state is a party or is interested, or in
426 which the official acts and doings of said officers are called in question,
427 and for all members of the state House of Representatives and the state
428 Senate in all suits and other civil proceedings brought against them
429 involving their official acts and doings in the discharge of their duties
430 as legislators, in any court or other tribunal, as the duties of his office
431 require; and all such suits shall be conducted by him or under his
432 direction. When any measure affecting the State Treasury is pending
433 before any committee of the General Assembly, such committee shall
434 give him reasonable notice of the pendency of such measure, and he
435 shall appear and take such action as he deems to be for the best
436 interests of the state, and he shall represent the public interest in the
437 protection of any gifts, legacies or devises intended for public or
438 charitable purposes. All legal services required by such officers and
439 boards in matters relating to their official duties shall be performed by
440 the Attorney General or under his direction. All writs, summonses or
441 other processes served upon such officers and legislators shall,

442 forthwith, be transmitted by them to the Attorney General. All suits or
443 other proceedings by such officers shall be brought by the Attorney
444 General or under his direction. He shall, when required by either
445 house of the General Assembly or when requested by the president
446 pro tempore of the Senate, the speaker of the House of
447 Representatives, or the majority leader or the minority leader of the
448 Senate or House of Representatives, give his opinion upon questions of
449 law submitted to him by either of said houses or any of said leaders.
450 He shall advise or give his opinion to the head of any executive
451 department or any state board or commission upon any question of
452 law submitted to him. He may procure such assistance as he may
453 require. Whenever a trustee, under the provisions of any charitable
454 trust described in section 45a-514, is required by statute to give a bond
455 for the performance of his duties as trustee, the Attorney General may
456 cause a petition to be lodged with the probate court of the district in
457 which such trust property is situated, or where any of the trustees
458 reside, for the fixing, accepting and approving of a bond to the state,
459 conditioned for the proper discharge of the duties of such trust, which
460 bond shall be filed in the office of such probate court. The Attorney
461 General shall prepare a topical and chronological cross-index of all
462 legal opinions issued by the office of the Attorney General and shall,
463 from time to time, update the same.

464 Sec. 20. Subsections (c) and (d) of section 4-183 of the general
465 statutes, as amended by public act 99-39 and section 24 of public act
466 99-215, are repealed and the following is substituted in lieu thereof:

467 (c) Within forty-five days after mailing of the final decision under
468 section 4-180 or, if there is no mailing, within forty-five days after
469 personal delivery of the final decision under said section, a person
470 appealing as provided in this section shall serve a copy of the appeal
471 on the agency that rendered the final decision at its office or at the
472 office of the Attorney General in Hartford and file the appeal with the
473 clerk of the superior court for the judicial district of New Britain or for
474 the judicial district wherein the person appealing resides or, if that
475 person is not a resident of this state, with the clerk of the court for the

476 judicial district of New Britain. Within that time, the person appealing
477 shall also serve a copy of the appeal on each party listed in the final
478 decision at the address shown in the decision, provided failure to
479 make such service within forty-five days on parties other than the
480 agency that rendered the final decision shall not deprive the court of
481 jurisdiction over the appeal. Service of the appeal shall be made by (1)
482 United States mail, certified or registered, postage prepaid, return
483 receipt requested, without the use of a [sheriff] state marshal or other
484 officer, or (2) personal service by a proper officer or indifferent person
485 making service in the same manner as complaints are served in
486 ordinary civil actions. If service of the appeal is made by mail, service
487 shall be effective upon deposit of the appeal in the mail.

488 (d) The person appealing, not later than fifteen days after filing the
489 appeal, shall file or cause to be filed with the clerk of the court an
490 affidavit, or the [sheriff's] state marshal's return, stating the date and
491 manner in which a copy of the appeal was served on each party and on
492 the agency that rendered the final decision, and, if service was not
493 made on a party, the reason for failure to make service. If the failure to
494 make service causes prejudice to any party to the appeal or to the
495 agency, the court, after hearing, may dismiss the appeal.

496 Sec. 21. Subsection (d) of section 4-151 of the general statutes is
497 repealed and the following is substituted in lieu thereof:

498 (d) If any person fails to respond to a subpoena, the Claims
499 Commissioner may issue a capias, directed to [the sheriff of the county
500 in which such person resides,] a state marshal to arrest such person
501 and bring him before the Claims Commissioner to testify.

502 Sec. 22. Section 7-89 of the general statutes is repealed and the
503 following is substituted in lieu thereof:

504 Constables shall have the [same] power in their towns to serve and
505 execute all lawful process legally directed to them [as sheriffs have in
506 their respective counties] and shall be liable [in the same manner] for
507 any neglect or unfaithfulness in their office.

508 Sec. 23. Section 7-108 of the general statutes is repealed and the
509 following is substituted in lieu thereof:

510 Each city and borough shall be liable for all injuries to person or
511 property, including injuries causing death, when such injuries are
512 caused by an act of violence of any person or persons while a member
513 of, or acting in concert with, any mob, riotous assembly or assembly of
514 persons engaged in disturbing the public peace, if such city or
515 borough, or the police or other proper authorities thereof, have not
516 exercised reasonable care or diligence in the prevention or suppression
517 of such mob, riotous assembly or assembly engaged in disturbing the
518 public peace. [Each city and borough shall be liable to the state for any
519 sums paid for compensation or expenses of any sheriff, his deputy or
520 other persons called upon to assist him, while engaged in preventing
521 or suppressing any mob or riotous assembly, preserving the public
522 peace or affording protection to any person or property endangered by
523 any mob or riotous assembly or any assembly of persons engaged in
524 disturbing the public peace, within such city or borough.] Any person
525 claiming damages under this section from any city or borough shall
526 give written notice to the clerk of the city or borough of such claim and
527 of the injury upon which such claim is based, containing a general
528 description of such injury and of the time, place and cause of its
529 occurrence, within thirty days after the occurrence of such injury; and
530 an administrator or executor seeking to recover damages for the death
531 of a decedent whom he represents shall give such written notice within
532 thirty days after his appointment; provided such notice shall be given
533 not later than four months after the date of the injury so causing the
534 death of the decedent whom he represents. The expense for which
535 such city or borough is made liable to the state under the provisions of
536 this section shall, if more than one municipal corporation is jointly
537 responsible for the expense aforesaid, be assessed by the Secretary of
538 the Office of Policy and Management, the Attorney General and the
539 Comptroller, acting as a board of assessors. Such board of assessors
540 may apportion such expense among the different municipal
541 corporations so jointly responsible in such manner as to it seems just.

542 An appeal from the action of such board of assessors may be taken to
543 the superior court for the judicial district in which the appellant city or
544 borough is situated, and, if the cities or boroughs concerned are
545 located in different judicial districts, then such appeal may be taken to
546 the superior court for that judicial district in which the city or borough
547 concerned having the largest population according to the last-
548 preceding census is located. The amount of such assessment against
549 any city or borough for which it is liable to the state under the
550 provisions of this section shall be certified to the clerk of such city or
551 borough by the Comptroller as soon as such assessment is made, and
552 the appeal from such assessment provided herein shall be taken by
553 such city or borough within thirty days from the receipt by it of such
554 certificate of assessment by the Comptroller.

555 Sec. 24. Section 8-129 of the general statutes is repealed and the
556 following is substituted in lieu thereof:

557 The redevelopment agency shall determine the compensation to be
558 paid to the persons entitled thereto for such real property and shall file
559 a statement of compensation, containing a description of the property
560 to be taken and the names of all persons having a record interest
561 therein and setting forth the amount of such compensation, and a
562 deposit as provided in section 8-130, with the clerk of the superior
563 court for the judicial district in which the property affected is located.
564 Upon filing such statement of compensation and deposit, the
565 redevelopment agency shall forthwith cause to be recorded, in the
566 office of the town clerk of each town in which the property is located, a
567 copy of such statement of compensation, such recording to have the
568 same effect as and to be treated the same as the recording of a lis
569 pendens, and shall forthwith give notice, as hereinafter provided, to
570 each person appearing of record as an owner of property affected
571 thereby and to each person appearing of record as a holder of any
572 mortgage, lien, assessment or other encumbrance on such property or
573 interest therein (a), in the case of any such person found to be residing
574 within this state, by causing a copy of such notice, with a copy of such
575 statement of compensation, to be served upon each such person by a

576 [sheriff, his deputy or a] state marshal constable or an indifferent
577 person, in the manner set forth in section 52-57 for the service of civil
578 process and (b), in the case of any such person who is a nonresident of
579 this state at the time of the filing of such statement of compensation
580 and deposit or of any such person whose whereabouts or existence is
581 unknown, by mailing to each such person a copy of such notice and of
582 such statement of compensation, by registered or certified mail,
583 directed to his last-known address, and by publishing such notice and
584 such statement of compensation at least twice in a newspaper
585 published in the judicial district and having daily or weekly circulation
586 in the town in which such property is located. Any such published
587 notice shall state that it is notice to the widow or widower, heirs,
588 representatives and creditors of the person holding such record
589 interest, if such person is dead. If, after a reasonably diligent search, no
590 last-known address can be found for any interested party, an affidavit
591 stating such fact, and reciting the steps taken to locate such address,
592 shall be filed with the clerk of the superior court and accepted in lieu
593 of mailing to the last-known address. Not less than twelve days nor
594 more than ninety days after such notice and such statement of
595 compensation have been so served or so mailed and first published,
596 the redevelopment agency shall file with the clerk of the superior court
597 a return of notice setting forth the notice given and, upon receipt of
598 such return of notice, such clerk shall, without any delay or
599 continuance of any kind, issue a certificate of taking setting forth the
600 fact of such taking, a description of all the property so taken and the
601 names of the owners and of all other persons having a record interest
602 therein. The redevelopment agency shall cause such certificate of
603 taking to be recorded in the office of the town clerk of each town in
604 which such property is located. Upon the recording of such certificate,
605 title to such property in fee simple shall vest in the municipality, and
606 the right to just compensation shall vest in the persons entitled thereto.
607 At any time after such certificate of taking has been so recorded, the
608 redevelopment agency may repair, operate or insure such property
609 and enter upon such property, and take whatever action is proposed
610 with regard to such property by the project area redevelopment plan.

611 The notice referred to above shall state (a) that not less than twelve
612 days nor more than ninety days after service or mailing and first
613 publication thereof, the redevelopment agency shall file, with the clerk
614 of the superior court of the judicial district in which such property is
615 located, a return setting forth the notice given, (b) that upon receipt of
616 such return such clerk shall issue a certificate for recording in the office
617 of the town clerk of each town in which such property is located, (c)
618 that upon the recording of such certificate, title to such property shall
619 vest in the municipality, the right to just compensation shall vest in the
620 persons entitled thereto and the redevelopment agency may repair,
621 operate or insure such property and enter upon such property and
622 take whatever action may be proposed with regard thereto by the
623 project area redevelopment plan and (d) that such notice shall bind the
624 widow or widower, heirs, representatives and creditors of each person
625 named therein who then or thereafter may be dead. When any
626 redevelopment agency acting in behalf of any municipality has
627 acquired or rented real property by purchase, lease, exchange or gift in
628 accordance with the provisions of this section, or in exercising its right
629 of eminent domain has filed a statement of compensation and deposit
630 with the clerk of the superior court and has caused a certificate of
631 taking to be recorded in the office of the town clerk of each town in
632 which such property is located as herein provided, any judge of such
633 court may, upon application and proof of such acquisition or rental or
634 such filing and deposit and such recording, order such clerk to issue an
635 execution commanding [the sheriff of the county or his deputy] a state
636 marshal to put such municipality and the redevelopment agency, as its
637 agent, into peaceable possession of the property so acquired, rented or
638 condemned. The provisions of this section shall not be limited in any
639 way by the provisions of chapter 832.

640 Sec. 25. Section 9-173 of the general statutes is repealed and the
641 following is substituted in lieu thereof:

642 In the election for Governor, Lieutenant Governor, Secretary of the
643 State, Treasurer, Comptroller and Attorney General, the person
644 receiving the greatest number of votes for each of said offices,

645 respectively, shall be declared elected. If no person has a plurality of
646 the votes for any of said offices, the General Assembly shall choose
647 such officer. In the election for senator in Congress, the person
648 receiving the greatest number of votes for such office shall be declared
649 elected; but, if no person has a plurality of the votes for said office, the
650 Governor may make a temporary appointment of a senator in
651 Congress to serve for the ensuing two years unless the General
652 Assembly directs a special election for a senator in Congress, to be held
653 during said period, to fill the vacancy occasioned by such failure to
654 elect. In all elections of representatives in Congress, [sheriffs,] state
655 senators, state representatives and judges of probate, the person
656 having the greatest number of votes shall be declared elected. Unless
657 otherwise provided by law, in all municipal elections a plurality of the
658 votes cast shall be sufficient to elect.

659 Sec. 26. Section 9-212 of the general statutes is repealed and the
660 following is substituted in lieu thereof:

661 In case of a vacancy in the office of representative in Congress from
662 any district, the Governor, except as otherwise provided by law, shall
663 issue writs of election directed to the town clerks or assistant town
664 clerks, in such district, ordering an election to be held on a day named,
665 other than a Saturday or Sunday, to fill such vacancy, and shall cause
666 them to be conveyed to [the sheriffs of the county or counties
667 composing such district] a state marshal, who shall forthwith transmit
668 an attested copy thereof to such clerks or assistant clerks. Such clerks
669 or assistant clerks, on receiving such writs, shall warn elections to be
670 held on the day appointed therein in the same manner as state
671 elections are warned, which elections shall be organized and
672 conducted as are state elections, and the vote shall be declared,
673 certified, directed, deposited, returned and transmitted in the same
674 manner as at a state election.

675 Sec. 27. Section 9-218 of the general statutes is repealed and the
676 following is substituted in lieu thereof:

677 When there is no election of judge of probate in any district by
678 reason of two or more having an equal and the highest number of
679 votes, or when a new probate district is created and no provision made
680 for the election of a judge thereof, or whenever it is shown to the
681 Governor that a vacancy is about to exist in said office by reason of the
682 resignation of the incumbent to take effect at a future time or by reason
683 of constitutional limitation, or when there is a vacancy in said office,
684 the Governor shall issue writs of election directed to the town clerk or
685 clerks or assistant town clerk or clerks within such district, ordering an
686 election to be held on a day named therein, other than a Saturday or
687 Sunday, to fill such vacancy or impending vacancy, and transmit the
688 same to [the sheriff of the county in which such district is situated] a
689 state marshal. Such [sheriff] state marshal shall forthwith transmit
690 them to such clerk or clerks, who, on receiving the same, shall warn
691 elections to be held on the day appointed in such writs, in the same
692 manner as state elections are warned. Such elections shall be organized
693 and conducted, and the vote shall be declared and returns made,
694 certified, directed, deposited and transmitted, in the same manner as at
695 a state election. The Secretary of the State, Treasurer and Comptroller
696 shall, within thirty days after any such election, count and declare the
697 votes so returned, and notice shall be given to the person declared
698 elected, in the same manner as is provided in the election of judges of
699 probate at state elections. The Secretary of the State shall enter the
700 returns in tabular form in books kept by him for that purpose and
701 present a copy of the same, with the name of, and the total number of
702 votes received by, each of the candidates for said office, to the
703 Governor within ten days thereafter.

704 Sec. 28. Section 9-251 of the general statutes is repealed and the
705 following is substituted in lieu thereof:

706 In the preparation of ballot labels for use at a state election
707 precedence shall be given to the offices to be voted for at such election
708 in the following descending order: Presidential electors, Governor and
709 Lieutenant Governor, United States senator, representative in
710 Congress, state senator, state representative, Secretary of the State,

711 Treasurer, Comptroller, Attorney General [, sheriff] and judge of
712 probate. In the preparation of ballot labels for use at a municipal
713 election, unless otherwise provided by law, the order of the offices
714 shall be as prescribed by the Secretary of the State, which order, so far
715 as practicable, shall be uniform throughout the state.

716 Sec. 29. Section 9-301 of the general statutes is repealed and the
717 following is substituted in lieu thereof:

718 The moderator of each election at which candidates for the offices of
719 presidential electors, Governor, Lieutenant Governor, Secretary of the
720 State, Treasurer, Comptroller, Attorney General, United States senator,
721 representative at large, representative in Congress, [sheriff,] state
722 senator, judge of probate and state representative are voted for shall
723 make out and return to the Secretary of the State, with the list that he is
724 required to send to said secretary under the provisions of section 9-
725 314, a statement showing the number of ballots counted and returned
726 to him by the checkers and counters.

727 Sec. 30. Subsection (a) of section 9-314 of the general statutes is
728 repealed and the following is substituted in lieu thereof:

729 (a) The moderator of each state election in each town not divided
730 into voting districts, and the head moderator in each town divided into
731 voting districts shall make out a duplicate list of the votes given in his
732 town for each of the following officers: Presidential electors, Governor,
733 Lieutenant Governor, Secretary of the State, Treasurer, Comptroller,
734 Attorney General, United States senator, representative in Congress,
735 [sheriff,] state senator, judge of probate, state representative and
736 registrars of voters when said officers are to be chosen. Included in
737 said list shall be a statement of the total number of names on the
738 official check list of such town and the total number checked as having
739 voted. The moderator or head moderator, as the case may be, may
740 transmit such list to the Secretary of the State by facsimile machine,
741 provided the moderator shall also deliver one of such lists by hand in
742 accordance with the provisions of this section. One of such lists he

743 shall seal and deliver by hand either (1) to the Secretary of the State not
744 later than six o'clock p.m. of the day after the election, or (2) to the state
745 police not later than four o'clock p.m. of the day after the election, in
746 which case the state police shall deliver it by hand to the Secretary of
747 the State not later than six o'clock p.m. of the day after the election.
748 Any such moderator or head moderator, as the case may be, who fails
749 to so deliver such list to either the Secretary of the State or the state
750 police by the time required shall pay a late filing fee of fifty dollars.
751 The other of such lists he shall deliver to the clerk of such town on or
752 before the day after such election. The Secretary of the State shall enter
753 the returns in tabular form in books kept by him for that purpose and
754 present a printed report of the same, with the name of, and the total
755 number of votes received by, each of the candidates for said offices, to
756 the General Assembly at its next session.

757 Sec. 31. Section 9-319 of the general statutes is repealed and the
758 following is substituted in lieu thereof:

759 The votes for state senators, state representatives [,] and judges of
760 probate, [and sheriffs,] as returned by the moderators, shall be
761 canvassed, during the month in which they are cast, by the Treasurer,
762 Secretary of the State and Comptroller, and they shall declare, except
763 in case of a tie vote, who is elected senator in each senatorial district,
764 representative in each assembly district [,] and judge of probate in each
765 probate district, [and sheriff in each county.] The Secretary of the State
766 shall, within three days after such declaration, give notice by mail to
767 each person chosen state senator, state representative [,] or judge of
768 probate [or sheriff] of his election.

769 Sec. 32. Section 9-324 of the general statutes is repealed and the
770 following is substituted in lieu thereof:

771 Any elector or candidate who claims that he is aggrieved by any
772 ruling of any election official in connection with any election for
773 Governor, Lieutenant Governor, Secretary of the State, Treasurer,
774 Attorney General, Comptroller [, sheriff] or judge of probate, held in

775 his town, or that there has been a mistake in the count of the votes cast
776 at such election for candidates for said offices or any of them, at any
777 voting district in his town, or any candidate for such an office who
778 claims that he is aggrieved by a violation of any provision of sections
779 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of
780 absentee ballots at such election, may bring his complaint to any judge
781 of the Superior Court, in which he shall set out the claimed errors of
782 such election official, the claimed errors in the count or the claimed
783 violations of said sections. In any action brought pursuant to the
784 provisions of this section, the complainant shall send a copy of the
785 complaint by first-class mail, or deliver a copy of the complaint by
786 hand, to the State Elections Enforcement Commission. If such
787 complaint is made prior to such election, such judge shall proceed
788 expeditiously to render judgment on the complaint and shall cause
789 notice of the hearing to be given to the Secretary of the State and the
790 State Elections Enforcement Commission. If such complaint is made
791 subsequent to the election, it shall be brought within fourteen days of
792 the election and such judge shall forthwith order a hearing to be had
793 upon such complaint, upon a day not more than five nor less than
794 three days from the making of such order, and shall cause notice of not
795 less than three nor more than five days to be given to any candidate or
796 candidates whose election may be affected by the decision upon such
797 hearing, to such election official, the Secretary of the State, the State
798 Elections Enforcement Commission and to any other party or parties
799 whom such judge deems proper parties thereto, of the time and place
800 for the hearing upon such complaint. Such judge shall, on the day
801 fixed for such hearing and without unnecessary delay, proceed to hear
802 the parties. If sufficient reason is shown, he may order any voting
803 machines to be unlocked or any ballot boxes to be opened and a
804 recount of the votes cast, including absentee ballots, to be made. Such
805 judge shall thereupon, in case he finds any error in the rulings of the
806 election official, any mistake in the count of the votes or any violation
807 of said sections, certify the result of his finding or decision to the
808 Secretary of the State before the fifteenth day of the next succeeding
809 December. Such judge may order a new election or a change in the

810 existing election schedule. Such certificate of such judge of his finding
811 or decision shall be final and conclusive upon all questions relating to
812 errors in the rulings of such election officials, to the correctness of such
813 count, and, for the purposes of this section only, such claimed
814 violations, and shall operate to correct the returns of the moderators or
815 presiding officers, so as to conform to such finding or decision, unless
816 the same is appealed from as provided in section 9-325.

817 Sec. 33. Subsection (a) of section 9-333e of the general statutes is
818 repealed and the following is substituted in lieu thereof:

819 (a) Statements filed by party committees, political committees
820 formed to aid or promote the success or defeat of a referendum
821 question proposing a constitutional convention, constitutional
822 amendment or revision of the constitution, individual lobbyists, and
823 those political committees and candidate committees formed to aid or
824 promote the success or defeat of any candidate for the office of
825 Governor, Lieutenant Governor, Secretary of the State, Treasurer,
826 Comptroller, Attorney General, [sheriff,] judge of probate and
827 members of the General Assembly, shall be filed with the office of the
828 Secretary of the State. A copy of each statement filed by a town
829 committee shall be filed at the same time with the town clerk of the
830 municipality in which the committee is situated. A political committee
831 formed for a slate of candidates in a primary for the position of
832 convention delegate shall file statements with both the secretary of the
833 state and the town clerk of the municipality in which the primary is to
834 be held.

835 Sec. 34. Subsection (a) of section 9-333m of the general statutes is
836 repealed and the following is substituted in lieu thereof:

837 (a) No individual shall make a contribution or contributions to, for
838 the benefit of, or pursuant to the authorization or request of, a
839 candidate or a committee supporting or opposing any candidate's
840 campaign for nomination at a primary, or any candidate's campaign
841 for election, to the office of (1) Governor, in excess of two thousand

842 five hundred dollars; (2) Lieutenant Governor, Secretary of the State,
843 Treasurer, Comptroller or Attorney General, in excess of one thousand
844 five hundred dollars; (3) [sheriff or] chief executive officer of a town,
845 city or borough, in excess of one thousand dollars; (4) state senator or
846 probate judge, in excess of five hundred dollars; or (5) state
847 representative or any other office of a municipality not previously
848 included in this subsection, in excess of two hundred fifty dollars. The
849 limits imposed by this subsection shall be applied separately to
850 primaries and elections.

851 Sec. 35. Subsection (d) of section 9-333o of the general statutes is
852 repealed and the following is substituted in lieu thereof:

853 (d) A political committee organized by a business entity shall not
854 make a contribution or contributions to or for the benefit of any
855 candidate's campaign for nomination at a primary or any candidate's
856 campaign for election to the office of: (1) Governor, in excess of five
857 thousand dollars; (2) Lieutenant Governor, Secretary of the State,
858 Treasurer, Comptroller or Attorney General, in excess of three
859 thousand dollars; [(3) sheriff, in excess of two thousand dollars; (4)] (3)
860 state senator, probate judge or chief executive officer of a town, city or
861 borough, in excess of one thousand dollars; [(5)] (4) state
862 representative, in excess of five hundred dollars; or [(6)] (5) any other
863 office of a municipality not included in subdivision [(4)] (3) of this
864 subsection, in excess of two hundred fifty dollars; or an exploratory
865 committee, in excess of two hundred fifty dollars. The limits imposed
866 by this subsection shall apply separately to primaries and elections and
867 contributions by any such committee to candidates designated in this
868 subsection shall not exceed one hundred thousand dollars in the
869 aggregate for any single election and primary preliminary thereto.
870 Contributions to such committees shall also be subject to the
871 provisions of section 9-333t in the case of committees formed for
872 ongoing political activity or section 9-333u in the case of committees
873 formed for a single election or primary.

874 Sec. 36. Subsection (a) of section 9-333q of the general statutes is
875 repealed and the following is substituted in lieu thereof:

876 (a) No political committee established by an organization shall
877 make a contribution or contributions to, or for the benefit of, any
878 candidate's campaign for nomination at a primary or for election to the
879 office of: (1) Governor, in excess of two thousand five hundred dollars;
880 (2) Lieutenant Governor, Secretary of the State, Treasurer, Comptroller
881 or Attorney General, in excess of one thousand five hundred dollars;
882 (3) [sheriff or] chief executive officer of a town, city or borough, in
883 excess of one thousand dollars; (4) state senator or probate judge, in
884 excess of five hundred dollars; or (5) state representative or any other
885 office of a municipality not previously included in this subsection, in
886 excess of two hundred fifty dollars.

887 Sec. 37. Subsection (b) of section 9-346b of the general statutes is
888 repealed and the following is substituted in lieu thereof:

889 (b) In the conduct of any such inquiry the referee, judge, state's
890 attorney or assistant state's attorney may employ a competent
891 stenographer to take notes of the examination of any witness, and may
892 furnish a transcript of such notes to any prosecuting officer having
893 jurisdiction of the subject matter of such inquiry. The referee or judge
894 may require the attendance and assistance, at any such inquiry and in
895 procuring the attendance of witnesses, of any [sheriff, deputy sheriff,]
896 state policeman, constable or police officer, who shall be allowed such
897 compensation as the referee or judge deems reasonable.

898 Sec. 38. Section 10-200 of the general statutes is repealed and the
899 following is substituted in lieu thereof:

900 Each city and town may adopt ordinances concerning habitual
901 truants from school and children between the ages of five and sixteen
902 years wandering about its streets or public places, having no lawful
903 occupation and not attending school; and may make such ordinances
904 respecting such children as shall conduce to their welfare and to public
905 order, imposing penalties, not exceeding twenty dollars, for any one

906 breach thereof. The police in any town, city or borough [and] bailiffs []
 907 and constables [, sheriffs and deputy sheriffs] in their respective
 908 precincts shall arrest all such children found anywhere beyond the
 909 proper control of their parents or guardians, during the usual school
 910 hours of the school terms, and may stop any child under sixteen years
 911 of age during such hours and ascertain whether such child is a truant
 912 from school, and, if such child is, shall send such child to school. For
 913 purposes of this section, "habitual truant" means a child age five to
 914 sixteen, inclusive, enrolled in a public or private school who has
 915 twenty unexcused absences within a school year.

916 Sec. 39. Subsection (a) of section 12-35 of the general statutes is
 917 repealed and the following is substituted in lieu thereof:

918 (a) Wherever used in this chapter, unless otherwise provided, "state
 919 collection agency" includes the Treasurer, the Commissioner of
 920 Revenue Services and any other state official, board or commission
 921 authorized by law to collect taxes payable to the state and any duly
 922 appointed deputy of any such official, board or commission; "tax"
 923 includes not only the principal of any tax but also all interest, penalties,
 924 fees and other charges added thereto by law; and "serving officer"
 925 includes any [sheriff, deputy sheriff] state marshal, constable or
 926 employee of such state collection agency designated for such purpose
 927 by a state collection agency and any person so designated by the Labor
 928 Commissioner. Upon the failure of any person to pay any tax, except
 929 any tax under chapter 216, due the state within thirty days from its due
 930 date, the state collection agency charged by law with its collection shall
 931 add thereto such penalty or interest or both as are prescribed by law,
 932 provided, if any statutory penalty is not specified, there may be added
 933 a penalty in the amount of ten per cent of the whole or such part of the
 934 principal of the tax as is unpaid or fifty dollars, whichever amount is
 935 greater, and provided, if any statutory interest is not specified, there
 936 shall be added interest at the rate of one per cent of the whole or such
 937 part of the principal of the tax as is unpaid for each month or fraction
 938 thereof, from the due date of such tax to the date of payment. Upon the
 939 failure of any person to pay any tax, except any tax under chapter 216,

940 due within thirty days of its due date, the state collection agency
941 charged by law with the collection of such tax may make out and sign
942 a warrant directed to any serving officer for distraint upon any
943 property of such person found within the state, whether real or
944 personal. An itemized bill shall be attached thereto, certified by the
945 state collection agency issuing such warrant as a true statement of the
946 amount due from such person. Such warrant shall have the same force
947 and effect as an execution issued pursuant to chapter 906. Such
948 warrant may be levied on any real property or tangible or intangible
949 personal property of such person, and sale made pursuant to such
950 warrant in the same manner and with the same force and effect as a
951 levy of sale pursuant to an execution. In addition thereto, if such
952 warrant has been issued by the Commissioner of Revenue Services, his
953 deputy, the Labor Commissioner, the executive director of the
954 Employment Security Division or any person in the Employment
955 Security Division in a position equivalent to or higher than the position
956 presently held by a revenue examiner four, said serving officer shall be
957 authorized to place a keeper in any place of business and it shall be
958 such keeper's duty to secure the income of such business for the state
959 and, when it is in the best interest of the state, to force cessation of such
960 business operation. In addition, the Attorney General may collect any
961 such tax by civil action. Each serving officer so receiving a warrant
962 shall make a return with respect to such warrant to the appropriate
963 collection agency within a period of ten days following receipt of such
964 warrant. Each serving officer shall collect from such person, in
965 addition to the amount shown on such warrant, his fees and charges,
966 which shall be twice those authorized by statute for serving officers,
967 provided the minimum charge shall be five dollars and money
968 collected pursuant to such warrant shall be first applied to the amount
969 of any fees and charges of the serving officer. In the case of an
970 employee of the state acting as a serving officer the fees and charges
971 collected by such employee shall inure to the benefit of the state. For
972 the purposes of this section, "keeper" means a person who has been
973 given authority by an officer authorized to serve a tax warrant to act in
974 the state's interest to secure the income of a business for the state and,

975 when it is in the best interest of the state, to force the cessation of such
976 business's operation, upon the failure of such business to pay taxes
977 owed to the state.

978 Sec. 40. Subsection (a) of section 12-135 of the general statutes is
979 repealed and the following is substituted in lieu thereof:

980 (a) Any collector of taxes, and any [sheriff, deputy sheriff] state
981 marshal or constable, as he may be authorized by such collector, shall,
982 during his term of office, have authority to collect any taxes due the
983 municipality served by such collector for which a proper warrant and
984 a proper alias tax warrant, in the case of the deputized officer, have
985 been issued. Such alias tax warrant may be executed by any officer
986 above named in any part of the state, and the collector in person may
987 demand and collect taxes in any part of the state on a proper warrant.
988 Any such [sheriff, deputy sheriff] state marshal or constable so
989 authorized who executes such an alias tax warrant outside of his
990 respective precinct shall be entitled to collect from the person owing
991 the tax the fees allowed by law, except that the minimum total fees
992 shall be five dollars and the maximum total fees shall be fifteen dollars
993 for each alias tax warrant so executed. Upon the expiration of his term
994 of office the collector shall deliver to his immediate successor in office
995 the rate bills not fully collected and such successor shall have authority
996 to collect the taxes due thereon. Any person who fails to deliver such
997 rate bills to his immediate successor within ten days from the
998 qualification of such successor shall be fined not more than two
999 hundred dollars or imprisoned not more than six months or both.

1000 Sec. 41. Section 12-162 of the general statutes is repealed and the
1001 following is substituted in lieu thereof:

1002 Any collector of taxes, in the execution of his tax warrants, shall
1003 have the same authority as [sheriffs] state marshals have in executing
1004 the duties of their office, and any [sheriff, deputy sheriff,] constable or
1005 other officer authorized to serve any civil process may serve a warrant
1006 for the collection of any tax assessed, and the officer shall have the

1007 same authority as the collector concerning taxes committed to him for
1008 collection. Upon the nonpayment of any property tax when due,
1009 demand having been made therefor as prescribed by law for the
1010 collection of such tax, an alias tax warrant may be issued by the tax
1011 collector, which may be in the following form:

1012 "To [the Sheriff of the County of, his deputy] any state marshal or
1013 any constable of the Town of [within said county,] Greeting: By
1014 authority of the state of Connecticut you are hereby commanded to
1015 collect forthwith from of the sum of dollars, the same being
1016 the amount of a tax with interest or penalty and charges which have
1017 accumulated thereon, which tax was levied by (insert name of town,
1018 city or municipality laying the tax) upon (insert the real estate,
1019 personal property, or both, as the case may be,) of said as of the
1020 day of (In like manner insert the amount of any other property tax
1021 which may have been levied in any other year, including interest or
1022 penalty and charges which have accumulated thereon). In default of
1023 payment of said amount you are hereby commanded to levy for said
1024 tax or taxes, including interest, penalty and charges, hereinafter
1025 referred to as the amount due on such execution, upon any goods and
1026 chattels of such person and dispose of the same as the law directs,
1027 notwithstanding the provisions of subsection (j) of section 52-352b,
1028 and, after having satisfied the amount due on such execution, return
1029 the surplus, if any, to him; or you are to levy upon the real estate of
1030 such person and sell such real property pursuant to the provisions of
1031 section 12-157, to pay the amount due on such execution; or you shall
1032 make demand upon the main office of any banking institution
1033 indebted to such person, subject to the provisions of section 52-367a or
1034 52-367b, as if judgment for the amount due on such execution had been
1035 entered, for that portion of any type of deposit to the credit of or
1036 property held for such person, not exceeding in total value the amount
1037 due on such execution; or you are to garnishee the wages due such
1038 person from any employer, in the same manner as if a wage execution
1039 therefor had been entered, in accordance with section 52-361a.

1040 Dated at this day of A.D. 19.., Tax Collector."

1041 Any officer serving such warrant shall make return to the collector
1042 of his doings thereon within ten days of the completion of such service
1043 and shall be entitled to collect from such person the fees allowed by
1044 law for serving executions issued by any court. Notwithstanding the
1045 provisions of section 52-261, any [sheriff, deputy sheriff] state marshal
1046 or constable, authorized as provided in this section, who executes such
1047 warrant and collects any delinquent municipal taxes as a result thereof
1048 shall receive in addition to expenses otherwise allowed, an amount
1049 equal to ten per cent of the taxes collected pursuant to such warrant.
1050 The minimum fee for such service shall be twenty dollars. Any officer
1051 unable to serve such warrant shall, within sixty days after the date of
1052 issuance, return such warrant to the collector and in writing state the
1053 reason it was not served.

1054 Sec. 42. Section 12-569 of the general statutes is repealed and the
1055 following is substituted in lieu thereof:

1056 If the president of the Connecticut Lottery Corporation determines
1057 that any lottery sales agent has breached his fiduciary responsibility to
1058 the corporation in that the account of such lottery sales agent with
1059 respect to moneys received from the sale of lottery tickets has become
1060 delinquent in accordance with regulations adopted as provided in
1061 section 12-568a, the president shall notify the executive director of the
1062 breach of fiduciary duty and the executive director shall impose a
1063 delinquency assessment upon such account equal to ten per cent of the
1064 amount due or ten dollars, whichever amount is greater, plus interest
1065 at the rate of one and one-half per cent of such amount for each month
1066 or fraction of a month from the date such amount is due to the date of
1067 payment. Subject to the provisions of section 12-3a, the executive
1068 director may waive all or part of the penalties provided under this
1069 subsection when it is proven to his satisfaction that the failure to pay
1070 such moneys to the state within the time allowed was due to
1071 reasonable cause and was not intentional or due to neglect. Any such
1072 delinquent lottery sales agent shall be notified of such delinquency
1073 assessment and shall be afforded an opportunity to contest the validity
1074 and amount of such assessment before the executive director who is

1075 hereby authorized to conduct such hearing. Upon request of the
1076 president of the Connecticut Lottery Corporation, the executive
1077 director may prepare and sign a warrant directed to any [sheriff,
1078 deputy sheriff] state marshal, constable or any collection agent
1079 employed by the Connecticut Lottery Corporation for distraint upon
1080 any property of such delinquent lottery sales agent within the state,
1081 whether personal or real property. An itemized bill shall be attached
1082 thereto certified by the executive director as a true statement of the
1083 amount due from such lottery sales agent. Such warrant shall have the
1084 same force and effect as an execution issued in accordance with
1085 chapter 906. Such warrant shall be levied on any real, personal,
1086 tangible or intangible property of such agent and sale made pursuant
1087 to such warrant in the same manner and with the same force and effect
1088 as a levy and sale pursuant to an execution. The executive director,
1089 with the advice and consent of the board, shall adopt regulations in
1090 accordance with chapter 54 to carry out the purposes of this section.

1091 Sec. 43. Section 13a-64 of the general statutes is repealed and the
1092 following is substituted in lieu thereof:

1093 All persons interested in laying out or altering such highway may
1094 appear before said court and remonstrate against the acceptance of
1095 such report for any irregularity or improper conduct on the part of the
1096 committee, and for such a cause the court may set aside such report;
1097 but if it is of the opinion that it ought to be accepted, and if, before its
1098 acceptance, a jury is moved for to reestimate the damages and benefits
1099 or either, said court shall order a jury of six to be drawn from the
1100 boxes, in the custody of the clerk of the superior court of the judicial
1101 district, of such towns in the county, in which such judicial district is
1102 located, where the application is made as the court directs, and to be
1103 summoned and attended by [the sheriff of such county personally or,
1104 if he is interested or incapacitated, by such deputy sheriff in the
1105 county] a state marshal as the court directs. Such jury shall be sworn
1106 and a certificate of that fact shall be annexed to its report; and its
1107 powers shall be confined to granting relief to the person or persons
1108 making such application. The parties to this proceeding may challenge

1109 any of such jurors as in a civil action; and when, by reason of any such
1110 challenge, the panel is reduced to less than six, the clerk shall return
1111 such number of disinterested electors from any of the towns in the
1112 judicial district, except that in which such highway is located or in
1113 which the owner of the land resides, as is necessary to fill such panel;
1114 and such clerk shall, within forty-eight hours thereafter, return the
1115 names of such persons so challenged into the boxes from which they
1116 were drawn.

1117 Sec. 44. Subdivision (53) of subsection (a) of section 14-1 of the
1118 general statutes is repealed and the following is substituted in lieu
1119 thereof:

1120 (53) "Officer" includes any constable, [sheriff, deputy sheriff] state
1121 marshal, inspector of motor vehicles, state policeman or other official
1122 authorized to make arrests or to serve process, provided the officer is
1123 in uniform or displays his badge of office in a conspicuous place when
1124 making an arrest.

1125 Sec. 45. Subsections (b) and (c) of section 14-12h of the general
1126 statutes, as amended by section 2 of public act 99-232, are repealed and
1127 the following is substituted in lieu thereof:

1128 (b) (1) If any police officer observes a motor vehicle being operated
1129 upon the public highway, and such motor vehicle is displaying
1130 registration number plates identified as cancelled on the list made
1131 available by the commissioner, such police officer may (A) stop or
1132 detain such vehicle and its occupants, (B) issue to the operator an
1133 infractions complaint for operating an unregistered motor vehicle, or
1134 expired registration if the vehicle is not being operated, in violation of
1135 section 14-12, and (C) remove the registration number plates from the
1136 vehicle and return them to any branch office of the Department of
1137 Motor Vehicles. If any police officer, [sheriff, deputy sheriff,] motor
1138 vehicle inspector or constable observes a motor vehicle parked in any
1139 parking area, as defined in section 14-212, and such motor vehicle is
1140 displaying registration number plates identified as cancelled on the list

1141 made available by the commissioner, such police officer, [sheriff,
1142 deputy sheriff,] motor vehicle inspector or constable is authorized to
1143 remove the registration number plates from the vehicle and to return
1144 them to any branch office of the Department of Motor Vehicles. If a
1145 number plate is identified as cancelled on the list provided by the
1146 commissioner and such identification is in error, the state shall
1147 indemnify any police officer, [sheriff, deputy sheriff,] motor vehicle
1148 inspector or constable for any claim for damages made against that
1149 individual as a result of his good faith reliance on the accuracy of the
1150 list provided by the commissioner regarding the confiscation of
1151 number plates.

1152 (2) If any police officer observes a motor vehicle being operated
1153 upon the public highway or parked in any parking area, as defined in
1154 section 14-212, displaying registration number plates identified on the
1155 list made available by the commissioner as being cancelled, such police
1156 officer may seize and impound the vehicle. If a police officer seizes and
1157 impounds a vehicle pursuant to this subdivision, he shall give notice to
1158 the commissioner in such form as the commissioner may require. The
1159 police officer shall give such notice not later than three days after
1160 seizing and impounding the vehicle.

1161 (c) The owner of any motor vehicle whose registration has been
1162 cancelled in accordance with the provisions of sections 14-12c and 14-
1163 12f to 14-12k, inclusive, 38a-343 and 38a-343a, shall not be eligible to
1164 obtain a new registration for a vehicle, or a new or renewal registration
1165 for any motor vehicle in the owner's name until the owner appears
1166 personally at an office of the Department of Motor Vehicles and (1)
1167 completes an application for registration, (2) furnishes proof of
1168 insurance, in accordance with section 14-12b, and (3) pays to the
1169 Commissioner of Motor Vehicles a restoration fee of the aggregate of
1170 two hundred fifty dollars for the first thirty-one days such registration
1171 is cancelled, or any portion thereof, and five dollars for each additional
1172 day such registration is cancelled, not to exceed ninety days or five
1173 hundred forty-five dollars, as required by section 14-50b, in addition to
1174 any other fees required to obtain new registration and number plates,

1175 except that the commissioner may reduce the restoration fee to the
1176 amount of one hundred dollars if the commissioner finds that the
1177 vehicle was not operated during the period of such cancellation and
1178 during the period such owner failed to maintain mandatory security.
1179 In addition, if the number plates of the vehicle whose registration was
1180 cancelled have been confiscated, the owner of such motor vehicle shall
1181 pay an additional confiscation fee of fifty dollars. Such confiscation fee
1182 shall be collected from the owner of the motor vehicle and remitted by
1183 the commissioner to the [sheriff, deputy sheriff or] constable who
1184 confiscated the number plates or, if the plates were confiscated by a
1185 police officer, such confiscation fee shall be remitted to the
1186 governmental entity which employed such officer at the time of the
1187 confiscation and shall be deposited in the asset forfeiture fund. In the
1188 event there is no such fund, such confiscation fee shall be deposited in
1189 the general fund of such entity.

1190 Sec. 46. Subsection (b) of section 14-12i of the general statutes, as
1191 amended by section 9 of public act 99-181, is repealed and the
1192 following is substituted in lieu thereof:

1193 (b) In addition to other purposes authorized for the expenditure of
1194 moneys in the Special Transportation Fund to administer the program
1195 established by sections 14-12c and 14-12f to 14-12k, inclusive, 14-112,
1196 14-213b, 38a-343 and 38a-343a, the Insurance Commissioner, in
1197 consultation with the Office of Policy and Management and the
1198 Treasurer, may establish a plan or develop a procedure to provide for
1199 the reimbursement of municipalities [, sheriffs and deputy sheriffs] for
1200 the necessary expenses incurred in enforcing the provisions of section
1201 14-12h regarding the confiscation and return to the Department of
1202 Motor Vehicles of registration number plates.

1203 Sec. 47. Subsection (c) of section 14-12n of the general statutes, as
1204 amended by section 10 of public act 99-181, is repealed and the
1205 following is substituted in lieu thereof:

1206 (c) Moneys in such account shall be distributed as follows: (1) Fifty

1207 per cent shall be allocated to the Special Transportation Fund pursuant
1208 to section 14-12i, as amended by this act, (2) forty per cent shall be
1209 allocated to the Commissioner of Motor Vehicles who shall pay,
1210 subject to available funds, for confiscations which occur on or after
1211 October 1, 1998, in order of the date of confiscation, any confiscation
1212 fee pursuant to section 14-12h, as amended by this act, which remains
1213 unpaid after forfeiture to the [sheriff, deputy sheriff or] constable who
1214 confiscated the number plates or, if the plates were confiscated by a
1215 police officer, such confiscation fee shall be remitted to the
1216 governmental entity which employed such officer at the time of the
1217 confiscation, and (3) ten per cent shall be allocated to the Department
1218 of Public Safety and local police departments pursuant to section
1219 14-12h, as amended by this act, which shall be used for enforcement of
1220 said section 14-12h, as amended by this act.

1221 Sec. 48. Subsection (c) of section 14-65 of the general statutes, as
1222 amended by section 16 of public act 99-268, is repealed and the
1223 following is substituted in lieu thereof:

1224 (c) The provisions of this section shall not apply to a sale by a
1225 [sheriff or such sheriff's deputy] state marshal or to a private auction
1226 sale of motor vehicles, used by the seller, who is not a used car dealer
1227 as defined in section 14-51, in the operation of his business or for his
1228 personal use.

1229 Sec. 49. Section 14-151 of the general statutes is repealed and the
1230 following is substituted in lieu thereof:

1231 [The sheriffs of the several counties and their deputies] State
1232 marshals and the constables of the several towns shall have [, within
1233 their respective counties and towns,] the same authority in respect to
1234 the provisions of section 14-150 as inspectors of the Department of
1235 Motor Vehicles, officers attached to an organized police department or
1236 state police officers.

1237 Sec. 50. Subsection (a) of section 14-197 of the general statutes is
1238 repealed and the following is substituted in lieu thereof:

1239 (a) A police officer [, sheriff] or constable who learns of the theft of a
1240 vehicle not since recovered, or of the recovery of a vehicle whose theft
1241 or conversion he knows or has reason to believe has been reported to
1242 the commissioner, shall forthwith report the theft or recovery to the
1243 commissioner.

1244 Sec. 51. Section 14-225 of the general statutes is repealed and the
1245 following is substituted in lieu thereof:

1246 Any person riding on, propelling, driving or directing any vehicle,
1247 except a motor vehicle, on a public street or highway or on any
1248 parking area for ten cars or more or on any school property, who has
1249 knowledge of having caused injury to the person or property of
1250 another and neglects, at the time of the injury, to stop and ascertain the
1251 extent of the injury and to render assistance, or refuses to give his
1252 name and address, or gives a false name or address when the same is
1253 asked for by the person injured or by any other person in his behalf or
1254 by a police officer, [sheriff, deputy sheriff,] motor vehicle inspector or
1255 constable, shall be fined not more than five hundred dollars or
1256 imprisoned not more than six months or both.

1257 Sec. 52. Subsection (a) of section 15-76 of the general statutes is
1258 repealed and the following is substituted in lieu thereof:

1259 (a) The commissioner, any employee of the department, any officer
1260 attached to an organized police department, any state police officer [,
1261 any sheriff] or any constable, within his precinct, upon discovery of
1262 any aircraft apparently abandoned, whether situated within or without
1263 any airport or landing field in this state, shall take such aircraft into his
1264 custody and may cause the same to be taken to and stored in a suitable
1265 place. All charges necessarily incurred by such person in the
1266 performance of such duty shall be a lien upon such aircraft. The owner
1267 or keeper of any hangar or other place where such aircraft is stored
1268 shall have a lien upon the same for his storage charges. If such aircraft
1269 has been so stored for a period of ninety days, such owner or keeper
1270 may sell the same at public auction for cash, at his place of business,

1271 and apply the avails of such sale toward the payment of his charges
1272 and the payment of any debt or obligation incurred by the person who
1273 placed the same in storage, provided such sale shall be advertised
1274 three times in a newspaper published or having a circulation in the
1275 town where such hangar or other place is located, such advertisement
1276 to commence at least five days before such sale; and, if the last place of
1277 abode of the owner of such aircraft is known to or may be ascertained
1278 by such hangar owner or keeper by the exercise of reasonable
1279 diligence, notice of the time and place of sale shall be given such owner
1280 by mailing such notice to him in a registered or certified letter, postage
1281 paid, at such last usual place of abode, at least five days before the time
1282 of sale. The proceeds of such sale, after deducting the amount due such
1283 hangar owner or keeper and all expenses connected with such sale,
1284 including the expenses of the officer who placed such aircraft in
1285 storage, shall be paid to the owner of such aircraft or his legal
1286 representatives, if claimed by him or them, at any time within one year
1287 from the date of such sale. If such balance is not claimed within said
1288 period, it shall escheat to the state.

1289 Sec. 53. Subsection (a) of section 17a-8 of the general statutes is
1290 repealed and the following is substituted in lieu thereof:

1291 (a) All children and youth who are or have been committed to the
1292 custody of the Commissioner of Children and Families as delinquent
1293 shall remain in such custody until such custody expires or terminates
1294 as provided by the order of the Superior Court. Any child or youth
1295 who while placed in an institution administered by the Department of
1296 Children and Families escapes from such institution or any child or
1297 youth who violates the terms or conditions of parole may be returned
1298 to actual custody. The request of the Commissioner of Children and
1299 Families or his designee shall be sufficient warrant to authorize any
1300 officer of the Department of Children and Families or any officer
1301 authorized by law to serve criminal process within this state to return
1302 any such child or youth into actual custody; and any such officer,
1303 police officer [,] or constable [or sheriff] shall arrest and hold any such
1304 child or youth when so requested, without written warrant.

1305 Sec. 54. Subsection (c) of section 17a-685 of the general statutes, as
1306 amended by section 2 of public act 99-84, is repealed and the following
1307 is substituted in lieu thereof:

1308 (c) Upon receipt of the application, the court shall assign a time for a
1309 hearing not later than seven business days after the date the
1310 application was filed. A copy of the application and physician's
1311 certificate and the notice of the hearing, shall be served, by a [sheriff or
1312 deputy sheriff] state marshal, constable or indifferent person not later
1313 than three business days before the hearing on the respondent, unless
1314 the respondent is in a facility, in which case such notice shall be by
1315 regular mail. Such notice shall inform such respondent that he or she
1316 has a right to be present at the hearing, that he or she has the right to
1317 counsel and, if indigent, to have counsel appointed to represent him or
1318 her, and that such respondent has a right to cross-examine witnesses
1319 testifying at any hearing upon that application. The court shall cause a
1320 recording of the testimony of such hearing to be made, to be
1321 transcribed only in the event of an appeal from the decree rendered
1322 pursuant to this section. A copy of such transcript shall be furnished
1323 without charge to any appellant whom the Court of Probate finds is
1324 unable to pay for the same. The cost of said transcript shall be paid
1325 from funds appropriated to the Judicial Department. The court shall
1326 cause notice of said hearing to be given by regular mail to the
1327 respondent's next of kin, a parent or legal guardian if the respondent is
1328 a minor, the administrator of the treatment facility if the respondent
1329 has been committed for emergency treatment pursuant to section
1330 17a-684, and the administrator of the treatment facility to which the
1331 respondent is to be admitted. The court may order such notice as it
1332 directs to other persons having an interest in the respondent. If the
1333 court finds such respondent is indigent or otherwise unable to pay for
1334 counsel, the court shall appoint counsel for such respondent, unless
1335 such respondent refuses counsel and the court finds that the
1336 respondent understands the nature of such refusal. The court shall
1337 appoint counsel for the respondent from a panel of attorneys admitted
1338 to practice in this state provided by the Probate Court Administrator in

1339 accordance with regulations promulgated by the Probate Court
1340 Administrator in accordance with section 45a-77. The reasonable
1341 compensation of appointed counsel shall be established by, and paid
1342 from funds appropriated to, the Judicial Department. If funds have not
1343 been included in the budget of the Judicial Department for such
1344 purposes, such compensation shall be established by the Probate Court
1345 Administrator and paid from the Probate Court Administration Fund.
1346 Prior to such hearing such respondent, or the respondent's counsel, in
1347 accordance with the provisions of sections 52-146d to 52-146i,
1348 inclusive, shall be afforded access to all records, including without
1349 limitation, hospital records if such respondent is hospitalized, and
1350 shall be entitled to take notes therefrom. If such respondent is
1351 hospitalized at the time of the hearing, the hospital shall make
1352 available at such hearing for use by the respondent or the respondent's
1353 counsel all records in its possession relating to the condition of the
1354 respondent. Notwithstanding the provisions of sections 52-146d to
1355 52-146i, inclusive, all such hospital records directly relating to the
1356 respondent shall be admissible at the request of any party or the
1357 Probate Court in any proceeding relating to the confinement to or
1358 release from a hospital or treatment facility. Nothing in this section
1359 shall prevent timely objections to the admissibility of evidence in
1360 accordance with the rules of civil procedure.

1361 Sec. 55. Subsection (d) of section 17a-699 of the general statutes is
1362 repealed and the following is substituted in lieu thereof:

1363 (d) The court may order that the person be transferred immediately
1364 to a treatment program provided space is available as provided in
1365 subsection (c) of this section. If the court orders an immediate transfer,
1366 it shall issue a mittimus directing the [sheriff] judicial police officer to
1367 convey the person to the treatment program.

1368 Sec. 56. Subsection (a) of section 17b-745 of the general statutes, as
1369 amended by section 28 of public act 99-279, is repealed and the
1370 following is substituted in lieu thereof:

1371 (a) (1) The Superior Court or a family support magistrate shall have
1372 authority to make and enforce orders for payment of support to the
1373 Commissioner of Administrative Services or in IV-D cases, to the state
1374 acting by and through the IV-D agency, directed to the husband or
1375 wife and, if the patient or person is under twenty-one or, on and after
1376 October 1, 1972, under eighteen, any parent of any patient or person
1377 being supported by the state, wholly or in part, in a state humane
1378 institution, or under any welfare program administered by the state
1379 Department of Social Services, as said court finds, in accordance with
1380 the provisions of subsection (b) of section 17b-179, or section 17a-90,
1381 17b-81, 17b-223, 46b-129 or 46b-130, to be reasonably commensurate
1382 with the financial ability of any such relative. Any court or family
1383 support magistrate called upon to make or enforce such an order,
1384 including one based upon a determination consented to by the relative,
1385 shall insure that such order is reasonable in light of the relative's ability
1386 to pay.

1387 (2) (A) The court or family support magistrate shall include in each
1388 support order in a IV-D support case a provision for the health care
1389 coverage of the child which provision may include an order for either
1390 parent to name any child under eighteen as a beneficiary of any
1391 medical or dental insurance or benefit plan carried by such parent or
1392 available to such parent on a group basis through an employer or a
1393 union. If such insurance coverage is unavailable at reasonable cost, the
1394 provision for health care coverage may include an order for either
1395 parent to apply for and maintain coverage on behalf of the child under
1396 the HUSKY Plan, Part B. The noncustodial parent shall be ordered to
1397 apply for the HUSKY Plan, Part B only if such parent is found to have
1398 sufficient ability to pay the appropriate premium. In any IV-D support
1399 case in which the noncustodial parent is found to have insufficient
1400 ability to provide medical insurance coverage and the custodial party
1401 is the HUSKY Plan, Part A or Part B applicant, the provision for health
1402 care coverage may include an order for the noncustodial parent to pay
1403 such amount as is specified by the court or family support magistrate
1404 to the state or the custodial party, as their interests may appear, to

1405 offset the cost of any insurance payable under the HUSKY Plan, Part A
1406 or Part B. In no event may such order include payment to offset the
1407 cost of any such premium if such payment would reduce the amount
1408 of current support required under the child support guidelines.

1409 (B) When a parent is ordered to provide insurance coverage in
1410 accordance with subparagraph (A) of this subdivision, the court or
1411 family support magistrate shall order the employer of such parent to
1412 withhold from such employee's compensation the employee's share, if
1413 any, of premiums for health coverage, except for certain circumstances
1414 under which an employer may withhold less than such employee's
1415 share of such premiums, as may be provided by regulation of the
1416 Secretary of the United States Department of Health and Human
1417 Services and pay such share of premiums to the insurer. The amount
1418 withheld shall not exceed the maximum amount permitted to be
1419 withheld as set forth in 15 USC 1673(b). Whenever an order of the
1420 Superior Court or family support magistrate is issued against a parent
1421 to cover the cost of such medical or dental insurance or benefit plan for
1422 a child who is eligible for Medicaid benefits, and such parent has
1423 received payment from a third party for the costs of such services but
1424 such parent has not used such payment to reimburse, as appropriate,
1425 either the other parent or guardian or the provider of such services, the
1426 Department of Social Services shall have the authority to request the
1427 court or family support magistrate to order the employer of such
1428 parent to withhold from the wages, salary or other employment
1429 income, of such parent to the extent necessary to reimburse the
1430 Department of Social Services for expenditures for such costs under
1431 the Medicaid program. However, any claims for current or past due
1432 child support shall take priority over any such claims for the costs of
1433 such services.

1434 (3) Said court or family support magistrate shall also have authority
1435 to make and enforce orders directed to the conservator or guardian of
1436 any such patient or person, or the payee of Social Security or other
1437 benefits to which such patient or person is entitled, to the extent of the
1438 income or estate held or received by such fiduciary or payee in any

1439 such capacity.

1440 (4) For purposes of this section, the term "father" shall include a
1441 person who has acknowledged in writing paternity of a child born out
1442 of wedlock, and the court or family support magistrate shall have
1443 authority to determine, order and enforce payment of any
1444 accumulated sums due under a written agreement to support such
1445 child in accordance with the provisions of this section.

1446 (5) (A) Said court or family support magistrate shall also have
1447 authority to make and enforce orders for the payment by any person
1448 named herein of unpaid support contributions for which any such
1449 person is liable in accordance with the provisions of subsection (b) of
1450 section 17b-179, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130
1451 or, in IV-D cases, to order such person, provided such person is not
1452 incapacitated, to participate in work activities which may include, but
1453 shall not be limited to, job search, training, work experience and
1454 participation in the job training and retraining program established by
1455 the Labor Commissioner pursuant to section 31-3t.

1456 (B) In the determination of support due based on neglect or refusal
1457 to furnish support prior to the action, the support due for periods of
1458 time prior to the action shall be based upon the obligor's ability to pay
1459 during such prior periods. The state shall disclose to the court any
1460 information in its possession concerning current and past ability to
1461 pay. With respect to such orders entered on or after October 1, 1991, if
1462 no information is available to the court concerning past ability to pay,
1463 the court may determine the support due for periods of time prior to
1464 the action as if past ability to pay is equal to current ability to pay if
1465 known or, if not known, based upon assistance rendered to the child.

1466 (C) Any finding as to support due for periods of time prior to the
1467 action which is made without information concerning past ability to
1468 pay shall be entered subject to adjustment when such information
1469 becomes available to the court. Such adjustment may be made upon
1470 motion of any party within four months from the date upon which the

1471 obligor receives notification of (i) the amount of such finding of
1472 support due for periods of time prior to the action, and (ii) the right
1473 within four months of receipt of such notification to present evidence
1474 as to such obligor's past ability to pay support for such periods of time
1475 prior to the action.

1476 (6) All payments ordered by the court or family support magistrate
1477 under this section shall be made to the Commissioner of
1478 Administrative Services or, in IV-D cases, to the state acting by and
1479 through the IV-D agency, as the court or family support magistrate
1480 may determine, for the period during which the supported person is
1481 receiving assistance or care from the state, provided, in the case of
1482 beneficiaries of any program of public assistance, upon the
1483 discontinuance of such assistance, payments shall be distributed to the
1484 beneficiary, beginning with the effective date of discontinuance. Any
1485 order of payment made under this section may, at any time after being
1486 made, be set aside or altered by the court or a family support
1487 magistrate.

1488 (7) (A) Proceedings to obtain orders of support under this section
1489 shall be commenced by the service on the liable person or persons of a
1490 verified petition of the Commissioner of Administrative Services, the
1491 Commissioner of Social Services or their designees. The verified
1492 petition shall be filed by any of said commissioners or their designees
1493 in the judicial district of the court or Family Support Magistrate
1494 Division in which the patient, applicant, beneficiary, recipient or the
1495 defendant resides. The judge or family support magistrate shall cause
1496 a summons, signed by such judge or magistrate, by the clerk of said
1497 court, or by a commissioner of the Superior Court to be issued,
1498 requiring such liable person or persons to appear before the court or a
1499 family support magistrate at a time and place as determined by the
1500 clerk but not more than ninety days after the issuance of the summons
1501 to show cause, if any, why the request for relief in such petition should
1502 not be granted. The verified petition, summons and order shall be on
1503 forms prescribed by the Office of the Chief Court Administrator.

1504 (B) Service of process issued under this section may be made by a
1505 [sheriff] state marshal, any proper officer or any investigator employed
1506 by the Department of Social Services or by the Commissioner of
1507 Administrative Services. The [sheriff] state marshal, proper officer or
1508 investigator shall make due return of process to the court not less than
1509 twenty-one days before the date assigned for hearing. Upon proof of
1510 the service of the summons to appear before the court or a family
1511 support magistrate, at the time and place named for hearing upon such
1512 petition, the failure of the defendant to appear shall not prohibit the
1513 court or family support magistrate from going forward with the
1514 hearing.

1515 (8) Failure of any defendant to obey an order of the court or Family
1516 Support Magistrate Division made under this section may be punished
1517 as contempt of court. If the summons and order is signed by a
1518 commissioner of the Superior Court, upon proof of service of the
1519 summons to appear in court or before a family support magistrate and
1520 upon the failure of the defendant to appear at the time and place
1521 named for hearing upon the petition, request may be made by the
1522 petitioner to the court or family support magistrate for an order that a
1523 *capias mittimus* be issued. Except as otherwise provided, upon proof
1524 of the service of the summons to appear in court or before a family
1525 support magistrate at the time and place named for a hearing upon the
1526 failure of the defendant to obey the court order as contempt of court,
1527 the court or the family support magistrate may order a *capias mittimus*
1528 to be issued and directed to some proper officer to arrest such
1529 defendant and bring such defendant before the Superior Court for the
1530 contempt hearing. The costs of commitment of any person imprisoned
1531 therefor shall be paid by the state as in criminal cases. When any such
1532 defendant is so found in contempt, the court or family support
1533 magistrate may award to the petitioner a reasonable attorney's fee and
1534 the fees of the officer serving the contempt citation, such sums to be
1535 paid by the person found in contempt.

1536 (9) In addition to or in lieu of contempt proceedings, the court or
1537 family support magistrate, upon a finding that any person has failed to

1538 obey any order made under this section, may issue an order directing
1539 that an income withholding order issue against such amount of any
1540 debt accruing by reason of personal services due and owing to such
1541 person in accordance with section 52-362, or against such lesser
1542 amount of such excess as said court or family support magistrate
1543 deems equitable, for payment of accrued and unpaid amounts due
1544 under such order and all amounts which thereafter become due under
1545 such order. On presentation of such income withholding order by the
1546 officer to whom delivered for service to the person or persons or
1547 corporation from whom such debt accruing by reason of personal
1548 services is due and owing, or thereafter becomes due and owing, to the
1549 person against whom such support order was issued, such income
1550 withholding order shall be a lien and a continuing levy upon such debt
1551 to the amount specified therein, which shall be accumulated by the
1552 debtor and paid directly to the Commissioner of Administrative
1553 Services or, in IV-D cases, to the state acting by and through the IV-D
1554 agency, in accordance with section 52-362, until such income
1555 withholding order and expenses are fully satisfied and paid, or until
1556 such income withholding order is modified.

1557 (10) No entry fee, judgment fee or any other court fee shall be
1558 charged by the court to either party in actions under this section.

1559 (11) Written statements from employers as to property, insurance,
1560 wages, indebtedness and other information obtained by the
1561 Commissioner of Social Services, or the Commissioner of
1562 Administrative Services under authority of section 17b-137, shall be
1563 admissible in evidence in actions under this section.

1564 Sec. 57. Section 18-28 of the general statutes is repealed and the
1565 following is substituted in lieu thereof:

1566 Said board shall have all the authority of the Superior Court to
1567 compel the attendance of witnesses summoned by the secretary of said
1568 board or other competent authority. [The sheriff of Hartford County or
1569 his deputy shall attend the sessions of said board and shall receive

1570 therefor the fees provided for the sheriff's attendance upon sessions of
1571 the Superior Court.]

1572 Sec. 58. Section 20-325a of the general statutes is repealed and the
1573 following is substituted in lieu thereof:

1574 (a) No person who is not licensed under the provisions of this
1575 chapter, and who was not so licensed at the time he performed the acts
1576 or rendered the services for which recovery is sought, shall commence
1577 or bring any action in any court of this state, after October 1, 1971, to
1578 recover any commission, compensation or other payment in respect of
1579 any act done or service rendered by him, the doing or rendering of
1580 which is prohibited under the provisions of this chapter except by
1581 persons duly licensed under this chapter.

1582 (b) No person, licensed under the provisions of this chapter, shall
1583 commence or bring any action in respect of any acts done or services
1584 rendered after October 1, 1995, as set forth in subsection (a), unless the
1585 acts or services were rendered pursuant to a contract or authorization
1586 from the person for whom the acts were done or services rendered. To
1587 satisfy the requirements of this subsection any contract or
1588 authorization shall: (1) Be in writing, (2) contain the names and
1589 addresses of the real estate broker performing the services and the
1590 name of the person or persons for whom the acts were done or services
1591 rendered, (3) show the date on which such contract was entered into or
1592 such authorization given, (4) contain the conditions of such contract or
1593 authorization, (5) be signed by the real estate broker or the real estate
1594 broker's authorized agent, (6) if such contract or authorization pertains
1595 to any real property, include the following statement: "THE REAL
1596 ESTATE BROKER MAY BE ENTITLED TO CERTAIN LIEN RIGHTS
1597 PURSUANT TO SUBSECTION (d) OF SECTION 20-325a OF THE
1598 CONNECTICUT GENERAL STATUTES", and (7) be signed by the
1599 person or persons for whom the acts were done or services rendered or
1600 by an agent authorized to act on behalf of such person or persons,
1601 pursuant to a written document executed in the manner provided for
1602 conveyances in section 47-5, except, if the acts to be done or services

1603 rendered involve a listing contract for the sale of land containing any
1604 building or structure occupied or intended to be occupied by no more
1605 than four families, be signed by the owner of the real estate or by an
1606 agent authorized to act on behalf of such owner pursuant to a written
1607 document executed in the manner provided for conveyances in section
1608 47-5.

1609 (c) Nothing in subsection (a) of this section or subdivisions (2) to (6),
1610 inclusive, of subsection (b) of this section shall prevent any licensee
1611 from recovering any commission, compensation or other payment in
1612 respect to any acts done or services rendered, if such person has
1613 substantially complied with subdivisions (2) to (6), inclusive, of
1614 subsection (b) of this section and it would be inequitable to deny such
1615 recovery.

1616 (d) A licensed real estate broker who has performed acts or
1617 rendered services relating to real property upon terms provided for in
1618 a written contract or agreement between such broker and the owner
1619 for whom such acts were done or services rendered shall have a lien
1620 upon such real property. Such lien shall be in the amount of the
1621 compensation agreed upon by and between the broker and the owner
1622 for whom such acts were done or services rendered.

1623 (e) Except as provided in subsections (f), (g) and (h), the lien
1624 provided for in this section shall not attach until the broker is entitled
1625 to compensation, without any contingencies, other than closing or
1626 transfer of title, under the terms set forth in the written contract and
1627 the broker has recorded the claim for lien prior to the actual
1628 conveyance or lease of such real property with the town clerk of the
1629 town where such property is located.

1630 (f) Except as provided in subsection (g), when a broker is entitled to
1631 compensation from the owner of real property in instalments, a
1632 portion of which is due only after the conveyance or lease of the real
1633 property, any claim for lien for those payments due after the
1634 conveyance or lease may be recorded at any time subsequent to the

1635 conveyance or lease of the real property and prior to the date on which
1636 the payment is due but shall only be effective as a claim for lien against
1637 the real property to the extent moneys are still owed to the transferor
1638 by the transferee. A single claim for lien recorded prior to conveyance
1639 or lease of the real property claiming all moneys due under an
1640 instalment payment agreement shall not be valid or enforceable as it
1641 pertains to payments due after the conveyance or lease. The lien shall
1642 attach as of the recording of the claim for lien.

1643 (g) In the case of a lease for real property the claim for lien must be
1644 recorded within thirty days after the tenant takes possession of the
1645 leased premises unless written notice of the intended signing of the
1646 lease is delivered to the broker entitled to claim a lien by registered or
1647 certified mail, return receipt requested, or by personal service, at least
1648 ten days prior to the date of the intended signing of the lease for the
1649 real property in which case the claim for lien must be recorded before
1650 the date indicated for the signing of the lease in the notice delivered to
1651 the broker. The lien shall attach as of the recording of the claim for lien.

1652 (h) If a broker's written contract for payment is with a prospective
1653 buyer, then the lien shall attach only after the prospective buyer
1654 accepts the conveyance or lease of the real property and the claim for
1655 lien is recorded by the broker with the town clerk of the town in which
1656 such property is located. Any claim for lien shall be filed by the broker
1657 no later than thirty days after the conveyance or the tenant takes
1658 possession of the real property.

1659 (i) The broker shall serve a copy of the claim for lien on the owner of
1660 the real property. Service shall be made by mailing a copy of the claim
1661 for lien by registered or certified mail, return receipt requested, or by
1662 personal service upon the owner by any indifferent person, [sheriff]
1663 state marshal or other proper officer, by leaving with such owner or at
1664 the owner's usual place of abode a true and attested copy thereof. A
1665 copy of the claim for lien may be served at the same time as the notice
1666 required by subsection (q) of this section. The broker's lien shall be
1667 void and unenforceable if recording does not occur within the time

1668 period and in the manner required by this section.

1669 (j) A broker may bring suit to enforce a claim for lien in the superior
1670 court in the judicial district where the real property is located by filing
1671 a complaint and sworn affidavit that the claim for lien has been
1672 recorded in accordance with this section. The person claiming a lien
1673 shall, unless the claim is based upon an option to purchase the real
1674 property, within one year after recording the claim for lien, commence
1675 foreclosure by filing a complaint. Failure to commence foreclosure
1676 within one year after recording the lien shall extinguish the lien. No
1677 subsequent claim for lien may be given for the same claim nor may
1678 that claim be asserted in any proceedings under this section. A person
1679 claiming a lien based upon an option to purchase shall, within six
1680 months after the conveyance or lease of the real property under the
1681 exercise of the option to purchase, commence foreclosure by filing a
1682 complaint and a sworn affidavit that the claim for lien has been
1683 recorded in accordance with this section. Failure to commence
1684 foreclosure within this time shall extinguish that claim for lien. No
1685 subsequent claim for lien may be given for the same claim nor may
1686 that claim be asserted in any proceedings under this section. The
1687 plaintiff shall issue summons and provide service as in actions to
1688 foreclose a mortgage. When any defendant resides out of the state or is
1689 temporarily located out of the state, or on inquiry cannot be found, or
1690 is concealed within this state so that process cannot be served on that
1691 defendant, the plaintiff shall cause a notice to be given to that
1692 defendant, or cause a copy of the complaint to be served upon that
1693 defendant, in the manner and upon the same conditions as in actions
1694 to foreclose a mortgage. Except as otherwise provided in this section,
1695 all liens claimed under this section shall be foreclosed in the manner in
1696 which mortgage foreclosures are conducted.

1697 (k) The claim for lien shall state the name of the claimant, the name
1698 of the owner, a description of the real property upon which the lien is
1699 being claimed, the amount for which the lien is claimed, and the real
1700 estate license number of the broker. The claim for lien shall contain a
1701 sworn statement by the signatory that the information contained in the

1702 notice is true and accurate to the knowledge of the signatory. The
1703 claim for lien shall be signed by the broker.

1704 (l) Whenever a claim for lien has been recorded with the town clerk
1705 and a condition occurs that would preclude the broker from receiving
1706 compensation under the terms of the broker's written contract or
1707 agreement, the broker shall provide within thirty days of demand to
1708 the owner of record a written release or satisfaction of the lien.

1709 (m) Upon written demand of the owner or the owner's authorized
1710 agent, served on the broker claiming the lien requiring suit to be
1711 commenced to enforce the lien, a suit shall be commenced within
1712 forty-five days thereafter, or the claim for lien shall be extinguished.
1713 Service of any such written demand shall be by registered or certified
1714 mail, return receipt requested, or by personal service upon the broker
1715 by any indifferent person, [sheriff] state marshal or other proper
1716 officer, by leaving with such broker or at the broker's usual place of
1717 abode a true and attested copy thereof.

1718 (n) Whenever a claim for lien has been recorded with the town clerk
1719 and is paid, or where there is failure to foreclose to enforce the lien
1720 within the time provided by this section, the broker shall acknowledge
1721 satisfaction or release the claim for lien, in writing, on written demand
1722 of the owner within thirty days after payment or expiration of the time
1723 in which to commence foreclosure on the lien.

1724 (o) Except as otherwise provided in this section, whenever a claim
1725 for lien has been recorded with the town clerk, that would prevent the
1726 closing of a conveyance or lease, an escrow account shall be
1727 established from the proceeds of the conveyance or lease in the amount
1728 of the compensation agreed upon by the parties. Upon the
1729 establishment of the escrow account the broker shall immediately
1730 release the claim for lien. The establishment of an escrow account, as
1731 provided for in this section, shall not be the sole cause for the owner to
1732 refuse to complete the conveyance or lease. These moneys shall be held
1733 in escrow by the attorney for the lessor in the case of a lease for real

1734 property and by the attorney for the owner in the case of the actual
1735 conveyance or lease of such real property until the parties' rights to the
1736 escrowed moneys have been determined by the written contract or
1737 agreement of the parties, a determination by the Superior Court, or
1738 some other process which may be agreed to by the parties. When there
1739 are sufficient funds in the amount of the claimed lien, there shall be a
1740 release of the claim for lien which would allow completion of the
1741 conveyance or lease on such terms as are acceptable to the parties
1742 involved in the conveyance or lease. If the proceeds from the
1743 conveyance or lease are insufficient to release all liens claimed against
1744 the real property, including the broker's claim for lien, then the parties
1745 are not required to establish the escrow account under this section.

1746 (p) The provisions of subsections (a) and (b) of this section shall not
1747 apply to any person excepted from the provisions of this chapter by
1748 section 20-329 with respect to any acts performed by him which are
1749 included in such exception; or to any real estate broker or real estate
1750 salesperson who has provided services to the federal government, any
1751 political subdivision thereof, or any corporation, institution or quasi-
1752 governmental agency chartered by the federal government.

1753 (q) No broker is entitled to claim any lien under this section, unless,
1754 after the broker is entitled to compensation, without contingencies,
1755 other than closing or transfer of title, under the terms set forth in the
1756 written contract and not later than three days prior to the date of the
1757 conveyance or lease as set forth in the real estate sales contract or lease,
1758 the broker gives written notice of the claim for lien to the owner of the
1759 real property and to the prospective buyer that he is entitled to
1760 compensation under the terms set forth in the written contract and
1761 intends to claim a lien on the real property. The notice shall be served
1762 upon the owner and the prospective buyer by any indifferent person,
1763 [sheriff] state marshal or other proper officer, by leaving with such
1764 owner and prospective buyer or at their usual place of abode a true
1765 and attested copy thereof. When there are two or more owners, or two
1766 or more buyers, the notice shall be served on each owner and on each
1767 buyer.

1768 Sec. 59. Section 20-325e of the general statutes is repealed and the
1769 following is substituted in lieu thereof:

1770 (a) Whenever one or more real property claims for liens are placed
1771 upon any real estate pursuant to section 20-325a, the owner of the real
1772 estate, if no action to foreclose the claim is then pending before any
1773 court, may make application, together with a proposed order and
1774 summons, to the superior court for the judicial district in which the
1775 lien may be foreclosed under the provisions of section 20-325a or to
1776 any judge thereof, that a hearing or hearings be held to determine
1777 whether the claim for lien or liens should be discharged or reduced.
1778 The court or judge shall thereupon order reasonable notice of the
1779 application to be given to the lienor or lienors named therein and, if
1780 the application is not made by all owners of the real estate as may
1781 appear of record, shall order reasonable notice of the application to be
1782 given to all other such owners, and shall set a date or dates for the
1783 hearing or hearings to be held thereon. If the lienor or lienors or any
1784 owner entitled to notice is not a resident of this state, the notice shall be
1785 given by personal service, registered or certified mail, publication or
1786 such other method as the court or judge shall direct. At least four days
1787 notice shall be given to the lienor, lienors or owners entitled to notice
1788 prior to the date of the hearing.

1789 (b) The application, order and summons shall be substantially in the
1790 following form:

1791
1792 APPLICATION FOR DISCHARGE OR
1793 REDUCTION OF REAL PROPERTY
1794 CLAIM FOR LIEN
1795

1796 To the Court of

1797 The undersigned represents:

1798 1. That is the owner of the real estate described in Schedule A
1799 attached hereto.

1831 to serve a true and attested copy of the above application and order
1832 upon ..., of ... by leaving the same in his hands or at his usual place of
1833 abode (or such other notice as ordered by the court) on or before

1834 Hereof fail not but due service and return make.

1835 Dated at this day of 19...

1836 Commissioner of the Superior Court

1837

1838 (1) The clerk upon receipt of all the documents in duplicate, if he
1839 finds them to be in proper form, shall fix a date for a hearing on the
1840 application and sign the order of hearing and notice. An entry fee of
1841 twenty dollars shall then be collected and a copy of the original
1842 document shall be placed in the court file.

1843 (2) The clerk shall deliver to the applicant's attorney the original of
1844 the documents for service. Service having been made, the original
1845 documents shall be returned to the court with the endorsement by the
1846 officer of his doings.

1847 (c) If an action for foreclosure of the claim for lien is pending before
1848 any court, any party to that action may at any time prior to trial, unless
1849 an application under subsection (a) of this section has previously been
1850 ruled upon, move that the claim for lien be discharged or reduced.

1851 (d) No more than one application under subsection (a) of this
1852 section or motion under subsection (c) of this section shall be ruled
1853 upon with respect to any single real property claim for lien, except that
1854 this subsection shall not preclude an application or motion by a person
1855 not given notice of the prior application or not a party to the action at
1856 the time the prior motion was ruled upon.

1857 Sec. 60. Section 21-35j of the general statutes is repealed and the
1858 following is substituted in lieu thereof:

1859 The provisions of this chapter shall not apply to or affect sales or
1860 persons conducting such sales pursuant to an order or process of a

1861 court of competent jurisdiction or to any [sheriff] state marshal,
1862 constable or other public or court officer or to any other person acting
1863 under the license, direction or authority of any state or federal court
1864 selling goods, wares or merchandise in the course of their official
1865 duties or to end of the season sales or to sales limited to closing out a
1866 particular brand or line of goods.

1867 Sec. 61. Section 22-286 of the general statutes is repealed and the
1868 following is substituted in lieu thereof:

1869 The Commissioner of Agriculture shall have authority to cooperate
1870 with the Animal and Plant Health Inspection Service, Veterinary
1871 Services, of the United States Department of Agriculture in any
1872 national system adopted by said department or service for the
1873 eradication of bovine tuberculosis or any contagious or infectious
1874 disease of any bovine animal. Said commissioner may accept from the
1875 United States such assistance, financial or otherwise, for the
1876 condemnation of diseased animals, for remunerating the owners
1877 thereof and for carrying out the provisions of this chapter and chapter
1878 432, as may be available from time to time. Upon the acceptance of said
1879 system by the Governor, the inspectors of the Animal and Plant Health
1880 Inspection Service, Veterinary Services, of the United States
1881 Department of Agriculture shall have the right of inspection,
1882 quarantine and condemnation of animals affected with any contagious,
1883 infectious or communicable disease or suspected to be affected with, or
1884 that have been exposed to, any such disease, and may enter any
1885 grounds or premises for these purposes. They may call upon [sheriffs
1886 and] constables to assist them in the discharge of their duties in
1887 carrying out the provisions of such national system and of this section,
1888 [and sheriffs] and constables shall render such assistance when so
1889 called upon.

1890 Sec. 62. Section 22-326b of the general statutes is repealed and the
1891 following is substituted in lieu thereof:

1892 The Commissioner of Agriculture may cooperate with the United

1893 States Department of Agriculture in any national system adopted by
1894 said department for the eradication of avian diseases. The
1895 commissioner may accept from the United States such assistance,
1896 financial or otherwise, for the condemnation of diseased poultry, for
1897 remunerating the owners thereof, and for carrying out the provisions
1898 of sections 22-324, 22-326a and this section, as may be available from
1899 time to time. Upon the acceptance of such system by the Governor, the
1900 United States Department of Agriculture shall have the right of
1901 inspection, quarantine and condemnation of poultry and poultry
1902 products affected with any infectious, contagious or transmissible
1903 diseases or suspected to be affected with, or that have been exposed to,
1904 any such disease, and may enter any grounds or premises for these
1905 purposes. They may call upon [sheriffs and] constables to assist them
1906 in the discharge of their duties in carrying out the provisions of such
1907 national system and of this section, [and sheriffs] and constables shall
1908 render such assistance when called upon.

1909 Sec. 63. Section 22-330 of the general statutes is repealed and the
1910 following is substituted in lieu thereof:

1911 The commissioner, the Chief Animal Control Officer and any
1912 animal control officer in any part of the state, any regional animal
1913 control officer in the territory to which he is assigned and any
1914 municipal animal control officer in the municipality for which he has
1915 been appointed may arrest any person and may issue a written
1916 complaint and summons in furtherance thereof for any violation of any
1917 law relating to dogs or to any domestic animal in the same manner
1918 [sheriffs,] police officers or constables may exercise in their respective
1919 jurisdictions.

1920 Sec. 64. Subsection (a) of section 22a-178 of the general statutes is
1921 repealed and the following is substituted in lieu thereof:

1922 (a) If the commissioner finds that any person has violated any
1923 provision of this chapter, or any regulation, order, or permit adopted
1924 or issued thereunder, he may issue a written order against the person

1925 alleged to be committing such violation and shall cause a true copy
1926 thereof to be served upon such person by certified mail with return
1927 receipt requested or by a [sheriff] state marshal or indifferent person,
1928 and the original thereof, with a return of such service endorsed
1929 thereon, shall be filed with the commissioner. Such order shall specify
1930 the nature of the violation and specify a reasonable period of time
1931 within which such person shall take such measures as will correct or
1932 remedy any such violation.

1933 Sec. 65. Subsection (b) of section 22a-225 of the general statutes is
1934 repealed and the following is substituted in lieu thereof:

1935 (b) Each order issued under this chapter shall be served by certified
1936 mail, return receipt requested, or by service by a [sheriff] state marshal
1937 or indifferent person. If the order is served by a [sheriff] state marshal
1938 or indifferent person, a true copy of the order shall be served, and the
1939 original, with a return of such service endorsed thereon, shall be filed
1940 with the Commissioner of Environmental Protection. The order shall
1941 be deemed to be issued upon service or upon deposit in the mail. Any
1942 order issued pursuant to this chapter shall state the basis on which it is
1943 issued and shall specify a reasonable time for compliance.

1944 Sec. 66. Subsection (a) of section 22a-250a of the general statutes is
1945 repealed and the following is substituted in lieu thereof:

1946 (a) When any vehicle used as a means of disposing of hazardous
1947 waste without a permit required under the federal Resource
1948 Conservation and Recovery Act of 1976, or as a means of committing a
1949 violation of any of the provisions of section 22a-208a, section 22a-208c,
1950 subsection (c) or (d) of section 22a-250 or section 22a-252, has been
1951 seized as a result of a lawful arrest or lawful search, pursuant to a
1952 criminal search and seizure warrant issued under authority of section
1953 54-33c, which the state claims to be a nuisance and desires to have
1954 destroyed or disposed of in accordance with the provisions of this
1955 section, the judge or court issuing any such warrant or before whom
1956 the arrested person is to be arraigned shall, within ten days after such

1957 seizure, cause to be left with the owner of, and with any person
 1958 claiming of record a bona fide mortgage, assignment of lease or rent,
 1959 lien or security interest in, the vehicle so seized, or at his usual place of
 1960 abode, if he is known, or, if unknown, at the place where the vehicle
 1961 was seized, a summons notifying the owner and any such other person
 1962 claiming such interest and all others to whom it may concern to appear
 1963 before such judge or court, at a place and time specified in such notice,
 1964 which shall be not less than six nor more than twelve days after the
 1965 service thereof. Such summons may be signed by a clerk of the court or
 1966 his assistant and service may be made by a local or state police officer,
 1967 [sheriff, deputy sheriff] state marshal, constable or other person
 1968 designated by the Commissioner of Environmental Protection. It shall
 1969 describe such vehicle with reasonable certainty and state when and
 1970 where and why the same was seized.

1971 Sec. 67. Subsection (f) of section 23-37 of the general statutes is
 1972 repealed and the following is substituted in lieu thereof:

1973 (f) Any state forest fire control personnel or fire warden shall have
 1974 [all] the [powers of a deputy sheriff in the] power to arrest [of] any
 1975 person for an alleged violation of the provisions of any statute for the
 1976 protection of forest and timber land.

1977 Sec. 68. Section 23-40 of the general statutes is repealed and the
 1978 following is substituted in lieu thereof:

1979 The state forest fire warden may appoint patrolmen, who shall
 1980 receive compensation for the time actually employed, and may
 1981 establish and equip fire lookout stations and furnish necessary
 1982 equipment for such patrolmen. Any patrolman so appointed for such
 1983 purpose shall have [all the powers of a deputy sheriff in] the power to
 1984 arrest [of] any person for an alleged violation of any provision of the
 1985 statutes for the protection of forest and timber land and shall also have
 1986 authority to summon assistance as provided in section 23-37 and to
 1987 render bills for such expenses as provided in section 23-39.

1988 Sec. 69. Subsection (b) of section 26-6 of the general statutes is

1989 repealed and the following is substituted in lieu thereof:

1990 (b) Conservation officers, special conservation officers and
1991 patrolmen may, without warrant, arrest any person for any violation of
1992 any of the provisions set forth in subsection (a) of this section, and any
1993 full-time conservation officer shall, in the performance of his duties in
1994 any part of the state, have the same powers to enforce such laws as do
1995 [sheriffs,] policemen or constables in their respective jurisdictions. Any
1996 full-time conservation officer shall, incident to a lawful arrest while
1997 enforcing such laws in the performance of his duties in any part of the
1998 state, have the same powers with respect to criminal matters and the
1999 enforcement of the law relating thereto as [sheriffs,] policemen or
2000 constables have in their respective jurisdictions.

2001 Sec. 70. Section 26-206 of the general statutes is repealed and the
2002 following is substituted in lieu thereof:

2003 The Commissioner of Agriculture may, upon the application of the
2004 Oystermen's Protective Association of Connecticut or the owner of any
2005 oyster franchise or grounds or any natural growers' association, during
2006 such time as the commissioner may determine, appoint and
2007 commission such number of policemen as he deems necessary to be
2008 designated by such association or owner, who, having been sworn to
2009 the faithful performance of their duties, may act as policemen upon the
2010 tidal waters and flats of this state and upon any boats, wharves or
2011 docks owned, leased or controlled by said association or a member
2012 thereof or an owner of oyster grounds. Said commissioner shall cause a
2013 record to be made of the issuance or revocation of any such
2014 commission. Any person so appointed shall have the powers [of a
2015 sheriff in making] to make arrests and, when on duty, shall wear in
2016 plain view a badge bearing conspicuously the words "Shellfish
2017 Policeman".

2018 Sec. 71. Subsection (a) of section 27-189 of the general statutes is
2019 repealed and the following is substituted in lieu thereof:

2020 (a) Any person not subject to this code who: (1) Has been duly

2021 subpoenaed to appear as a witness or to produce books and records
2022 before a military court or before any military or civil officer designated
2023 to take a deposition to be read in evidence before such a court; (2) has
2024 been duly paid or tendered the fees and mileage of a witness at the
2025 rates allowed to witnesses attending the civil courts of the state; and
2026 (3) refuses to appear and testify or refuses to produce any evidence
2027 which that person has been duly subpoenaed to produce, may be, by
2028 warrant signed by the military judge, by the president of the court-
2029 martial, if a special court-martial to which no military judge has been
2030 detailed, or by the summary court officer and directed to [the sheriff of
2031 the county, his deputy] a state marshal or any constable of the town in
2032 which such witness resides, committed to a community correctional
2033 center, there to be held at his own expense until discharged by due
2034 course of law.

2035 Sec. 72. Section 29-1g of the general statutes is repealed and the
2036 following is substituted in lieu thereof:

2037 The Commissioner of Public Safety may appoint not more than two
2038 persons nominated by the Commissioner of Social Services as special
2039 policemen in the Bureau of Child Support Enforcement of the
2040 Department of Social Services for the service of any warrant or capias
2041 mittimus issued by the courts on child support matters. Such
2042 appointees, having been sworn, shall serve at the pleasure of the
2043 Commissioner of Public Safety and, during such tenure, shall have all
2044 the powers conferred on the state policemen [, sheriffs and their
2045 deputies] and state marshals.

2046 Sec. 73. Section 29-7 of the general statutes is repealed and the
2047 following is substituted in lieu thereof:

2048 The Division of State Police within the Department of Public Safety,
2049 upon its initiative, or when requested by any person, shall, whenever
2050 practical, assist in or assume the investigation, detection and
2051 prosecution of any criminal matter or alleged violation of law. All state
2052 policemen shall have, in any part of the state, the same powers with

2053 respect to criminal matters and the enforcement of the law relating
2054 thereto as [sheriffs,] policemen or constables have in their respective
2055 jurisdictions. Said commissioner shall devise and make effective a
2056 system of police patrols throughout the state, exclusive of cities and
2057 boroughs, for the purpose of preventing or detecting any violation of
2058 the criminal law or any law relating to motor vehicles and shall
2059 establish and maintain such barracks or substations as may prove
2060 necessary to accomplish such purpose.

2061 Sec. 74. Section 29-10 of the general statutes is repealed and the
2062 following is substituted in lieu thereof:

2063 Any person may, and any [deputy sheriff or] policeman, with the
2064 consent of the authority to which he is subject, shall, go to any part of
2065 the state when required by the Commissioner of Public Safety, and,
2066 while so acting under the authority of the commissioner, shall have all
2067 the powers conferred on state policemen and shall be paid such sum as
2068 is fixed by said commissioner.

2069 Sec. 75. Section 29-12 of the general statutes is repealed and the
2070 following is substituted in lieu thereof:

2071 All persons arrested for crime as described in section 29-11 shall
2072 submit to the taking of their fingerprints and physical description and
2073 all [sheriffs,] constables and chiefs of police of organized police
2074 departments and the commanding officers of state police stations shall
2075 immediately furnish to the State Police Bureau of Identification two
2076 copies of a standard identification card on which shall be imprinted
2077 fingerprints of each person so arrested, together with the physical
2078 description of, and such information as said bureau may require with
2079 respect to, such arrested person. All wardens of correctional
2080 institutions and the community correctional center administrator shall
2081 furnish to the State Police Bureau of Identification such information
2082 with respect to prisoners as said bureau requires. The Commissioner of
2083 Public Safety may adopt regulations for the submission to and the
2084 taking of fingerprints as required under this section which will

2085 promote efficiency and be consistent with advances in automation and
2086 technology.

2087 Sec. 76. Section 29-18a of the general statutes is repealed and the
2088 following is substituted in lieu thereof:

2089 The Commissioner of Public Safety may appoint one or more
2090 persons to act as special policemen in the Department of Public Safety,
2091 for the purpose of investigating public assistance fraud relating to the
2092 beneficiaries of public assistance in this state. Such appointees, having
2093 been sworn, shall serve at the pleasure of the Commissioner of Public
2094 Safety and, during such tenure, shall have all the powers conferred on
2095 state policemen, [sheriffs and their deputies.] They shall, in addition
2096 to their duties concerning public assistance cases, be subject to the call
2097 of the Commissioner of Public Safety for such emergency service as he
2098 may prescribe.

2099 Sec. 77. Subsection (a) of section 29-35 of the general statutes, as
2100 amended by section 2 of public act 99-212, is repealed and the
2101 following is substituted in lieu thereof:

2102 (a) No person shall carry any pistol or revolver upon one's person,
2103 except when such person is within the dwelling house or place of
2104 business of such person, without a permit to carry the same issued as
2105 provided in section 29-28. The provisions of this subsection shall not
2106 apply to the carrying of any pistol or revolver by any [sheriff] state
2107 marshal, parole officer or peace officer of this state, or [sheriff] state
2108 marshal, parole officer or peace officer of any other state while
2109 engaged in the pursuit of official duties, or federal marshal or federal
2110 law enforcement agent, or to any member of the armed forces of the
2111 United States, as defined by section 27-103, or of this state, as defined
2112 by section 27-2, when on duty or going to or from duty, or to any
2113 member of any military organization when on parade or when going
2114 to or from any place of assembly, or to the transportation of pistols or
2115 revolvers as merchandise, or to any person transporting any pistol or
2116 revolver while contained in the package in which it was originally

2117 wrapped at the time of sale and while transporting the same from the
2118 place of sale to the purchaser's residence or place of business, or to any
2119 person removing such person's household goods or effects from one
2120 place to another, or to any person while transporting any such pistol or
2121 revolver from such person's place of residence or business to a place or
2122 individual where or by whom such pistol or revolver is to be repaired
2123 or while returning to such person's place of residence or business after
2124 the same has been repaired, or to any person transporting a pistol or
2125 revolver in or through the state for the purpose of taking part in
2126 competitions, taking part in formal pistol or revolver training,
2127 repairing such pistol or revolver or attending any meeting or
2128 exhibition of an organized collectors' group if such person is a bona
2129 fide resident of the United States and is permitted to possess and carry
2130 a pistol or revolver in the state or subdivision of the United States in
2131 which such person resides, or to any person transporting a pistol or
2132 revolver to and from a testing range at the request of the issuing
2133 authority, or to any person transporting an antique pistol or revolver,
2134 as defined in section 29-33. For the purposes of this subsection, "formal
2135 pistol or revolver training" means pistol or revolver training at a
2136 locally approved or permitted firing range or training facility, and
2137 "transporting a pistol or revolver" means transporting a pistol or
2138 revolver that is unloaded and, if such pistol or revolver is being
2139 transported in a motor vehicle, is not readily accessible or directly
2140 accessible from the passenger compartment of the vehicle or, if such
2141 pistol or revolver is being transported in a motor vehicle that does not
2142 have a passenger compartment, is contained in a locked container
2143 other than the glove compartment or console. Nothing in this section
2144 shall be construed to prohibit the carrying of a pistol or revolver
2145 during formal pistol or revolver training or repair.

2146 Sec. 78. Section 29-37a of the general statutes, as amended by section
2147 16 of public act 99-212, is repealed and the following is substituted in
2148 lieu thereof:

2149 (a) No person, firm or corporation may deliver, at retail, any
2150 firearm, as defined in section 53a-3, other than a pistol or revolver, to

2151 any person unless such person makes application on a form prescribed
2152 and furnished by the Commissioner of Public Safety, which shall be
2153 attached by the vendor to the federal sale or transfer document and
2154 filed and retained by the vendor for at least twenty years or until such
2155 vendor goes out of business. Such application shall be available for
2156 inspection during normal business hours by law enforcement officials.
2157 No sale or delivery of any firearm shall be made until the expiration of
2158 two weeks from the date of the application, and until the person, firm
2159 or corporation making such sale, delivery or transfer has insured that
2160 such application has been completed properly and has obtained an
2161 authorization number from the Commissioner of Public Safety for such
2162 sale, delivery or transfer. The Department of Public Safety shall make
2163 every effort, including performing the national instant criminal
2164 background check, to determine if the applicant is eligible to receive
2165 such firearm. If it is determined that the applicant is ineligible to
2166 receive such firearm, the Commissioner of Public Safety shall
2167 immediately notify the person, firm or corporation to whom such
2168 application was made and no such firearm shall be sold or delivered to
2169 such applicant by such person, firm or corporation. When any firearm
2170 is delivered in connection with the sale or purchase, such firearm shall
2171 be enclosed in a package, the paper or wrapping of which shall be
2172 securely fastened, and no such firearm when delivered on any sale or
2173 purchase shall be loaded or contain any gunpowder or other explosive
2174 or any bullet, ball or shell.

2175 (b) Upon the delivery of the firearm, the purchaser shall sign in
2176 triplicate a receipt for such firearm which shall contain the name and
2177 address of such purchaser, the date of sale, caliber, make, model and
2178 manufacturer's number and a general description thereof. Not later
2179 than twenty-four hours after such delivery, the vendor shall send by
2180 first class mail or electronically transfer one receipt to the
2181 Commissioner of Public Safety and one receipt to the chief of police or,
2182 where there is no chief of police, the warden of the borough or the first
2183 selectman, of the town in which the purchaser resides, and shall retain
2184 one receipt, together with the original application, for at least five

2185 years. The waiting period specified in subsection (a) of this section
 2186 during which delivery may not be made and the provisions of this
 2187 subsection shall not apply to any federal marshal, [sheriff] state
 2188 marshal, parole officer or peace officer, or to the delivery at retail of (1)
 2189 any firearm to a holder of a valid state permit to carry a pistol or
 2190 revolver issued under the provisions of section 29-28 or a valid
 2191 eligibility certificate issued under the provisions of section 29-36f, (2)
 2192 any firearm to an active member of the armed forces of the United
 2193 States or of any reserve component thereof, (3) any firearm to a holder
 2194 of a valid hunting license issued pursuant to chapter 490, or (4) antique
 2195 firearms. For the purposes of this section, "antique firearm" means any
 2196 firearm which was manufactured in or before 1898 and any replica of
 2197 such firearm provided such replica is not designed or redesigned for
 2198 using rimfire or conventional centerfire fixed ammunition except
 2199 rimfire or conventional centerfire fixed ammunition which is no longer
 2200 manufactured in the United States and not readily available in the
 2201 ordinary channel of commercial trade.

2202 Sec. 79. Section 30-45 of the general statutes is repealed and the
 2203 following is substituted in lieu thereof:

2204 The Department of Consumer Protection shall refuse permits for the
 2205 sale of alcoholic liquor to the following persons: (1) Any [sheriff,
 2206 deputy sheriff] state marshal, judge of any court, prosecuting officer or
 2207 member of any police force, (2) any first selectman holding office and
 2208 acting as a chief of police in the town within which the permit
 2209 premises are to be located, (3) a minor, and (4) any constable who
 2210 performs criminal law enforcement duties and is considered a peace
 2211 officer by town ordinance pursuant to the provisions of subsection (a)
 2212 of section 54-1f, any constable who is certified under the provisions of
 2213 sections 7-294a to 7-294e, inclusive, who performs criminal law
 2214 enforcement duties pursuant to the provisions of subsection (c) of
 2215 section 54-1f, or any special constable appointed pursuant to section 7-
 2216 92. This section shall not apply to out-of-state shippers', boat and
 2217 airline permits. As used in this section, "minor" means a minor as
 2218 defined in section 1-1d or as defined in section 30-1, whichever age is

2219 older.

2220 Sec. 80. Section 30-106 of the general statutes is repealed and the
2221 following is substituted in lieu thereof:

2222 Every officer who has a warrant for the arrest of any person charged
2223 with keeping a house of ill-fame, or a house reputed to be a house of
2224 ill-fame, or a house of assignation or a house where lewd, dissolute or
2225 drunken persons resort, or where drinking, carousing, dancing and
2226 fighting are permitted, to the disturbance of the neighbors, or with
2227 violating any law against gaming in the house or rooms occupied by
2228 him, or with resorting to any house for any of said purposes, and every
2229 officer who has a warrant for the arrest of any person charged with
2230 keeping open any room, place, enclosure, building or structure, of any
2231 kind or description, in which it is reputed that alcoholic liquor is
2232 exposed for sale contrary to law, or with selling alcoholic liquor, in any
2233 place contrary to law, or for the seizure of alcoholic liquor, may, at any
2234 time, for the purpose of gaining admission to such house, room, place,
2235 enclosure, building or structure, or for the purpose of arresting any of
2236 the persons aforesaid, make violent entry into such house, room, place,
2237 enclosure, building or structure, or any part thereof, after demanding
2238 admittance and giving notice that he is an officer and has such
2239 warrant, and may arrest any person so charged and take him before
2240 the proper authority. The Department of Consumer Protection, its
2241 agents [, the sheriff of the county, and any deputy sheriff by him
2242 specially authorized] and any member of any organized police
2243 department in any town, city or borough, and any state policeman,
2244 may, at any time, enter upon the premises of any permittee to ascertain
2245 the manner in which such person conducts his business and to
2246 preserve order.

2247 Sec. 81. Subsection (a) of section 31-294d of the general statutes is
2248 repealed and the following is substituted in lieu thereof:

2249 (a) The employer, as soon as he has knowledge of an injury, shall
2250 provide a competent physician or surgeon to attend the injured

2251 employee and, in addition, shall furnish any medical and surgical aid
 2252 or hospital and nursing service, including medical rehabilitation
 2253 services, as the physician or surgeon deems reasonable or necessary. If
 2254 the injured employee is a local or state police officer, [high sheriff, chief
 2255 deputy sheriff, deputy sheriff, special deputy sheriff] state marshal,
 2256 judicial police officer, correction officer, emergency medical technician,
 2257 paramedic, ambulance driver, fire fighter, or active member of a
 2258 volunteer fire company or fire department engaged in volunteer
 2259 duties, who has been exposed in the line of duty to blood or bodily
 2260 fluids which may carry blood-borne disease, the medical and surgical
 2261 aid or hospital and nursing service provided by his employer shall
 2262 include any relevant diagnostic and prophylactic procedure for and
 2263 treatment of any blood-borne disease.

2264 Sec. 82. Subsection (b) of section 36b-21 of the general statutes, as
 2265 amended by section 4 of public act 99-38, is repealed and the following
 2266 is substituted in lieu thereof:

2267 (b) The following transactions are exempted from sections 36b-16
 2268 and 36b-22: (1) Any isolated nonissuer transaction, whether effected
 2269 through a broker-dealer or not; (2) any nonissuer transaction by a
 2270 registered agent of a registered broker-dealer in a security of a class
 2271 that has been outstanding in the hands of the public for at least ninety
 2272 days provided, at the time of the transaction: (A) The security is sold at
 2273 a price reasonably related to the current market price of the security;
 2274 (B) the security does not constitute the whole or part of an unsold
 2275 allotment to, or a subscription or participation by, the broker-dealer as
 2276 an underwriter of the security; (C) a nationally recognized securities
 2277 manual contains (i) a description of the business and operations of the
 2278 issuer; (ii) the names of the issuer's officers and directors or, in the case
 2279 of a non-United-States issuer, the corporate equivalents of such
 2280 persons in the issuer's country of domicile; (iii) an audited balance
 2281 sheet of the issuer as of a date within eighteen months, or in the case of
 2282 a reorganization or merger where the parties to the reorganization or
 2283 merger had such audited balance sheet, a pro forma balance sheet; and
 2284 (iv) an audited income statement for each of the issuer's immediately

2285 preceding two fiscal years, or for the period of existence of the issuer, if
2286 in existence for less than two years, or in the case of a reorganization or
2287 merger where the parties to the reorganization or merger had such
2288 audited income statement, a pro forma income statement; and (D) the
2289 issuer of the security has a class of equity securities listed on a national
2290 securities exchange registered under the Securities Exchange Act of
2291 1934, or designated for trading on the National Association of
2292 Securities Dealers Automated Quotation System, unless the issuer,
2293 including any predecessors of the issuer (i) has been engaged in
2294 continuous business for at least three years or (ii) has total assets of at
2295 least two million dollars based on an audited balance sheet of the
2296 issuer as of a date within eighteen months, or in the case of a
2297 reorganization or merger where the parties to the reorganization or
2298 merger had such audited balance sheet, a pro forma balance sheet.
2299 The exemption in this subdivision shall not be available for any
2300 distribution of securities issued by a blank check company, shell
2301 company, dormant company or any issuer that has been merged or
2302 consolidated with or has bought out a blank check company, shell
2303 company or dormant company unless the issuer or any predecessor
2304 has continuously operated its business for at least the preceding five
2305 years and has had gross operating revenue in each of the preceding
2306 five years, including gross operating revenue of at least five hundred
2307 thousand dollars per year in three of the preceding five years; (3) any
2308 nonissuer distribution of an outstanding security if the security has a
2309 fixed maturity or a fixed interest or dividend provision and there has
2310 been no default during the current fiscal year or within the three
2311 preceding fiscal years, or during the existence of the issuer and any
2312 predecessors if less than three years, in the payment of principal,
2313 interest or dividends on the security; (4) any nonissuer transaction
2314 effected by or through a registered broker-dealer pursuant to an
2315 unsolicited order or offer to buy; but the commissioner may by
2316 regulation require that the customer acknowledge upon a specified
2317 form that the sale was unsolicited, and that a signed copy of each such
2318 form be preserved by the broker-dealer for a specified period or that
2319 the confirmation delivered to the purchaser or a memorandum

2320 delivered in connection therewith shall confirm that such purchase
 2321 was unsolicited by the broker-dealer or any agent of the broker-dealer;
 2322 (5) any transaction between the issuer or other person on whose behalf
 2323 the offering is made and an underwriter, or among underwriters; (6)
 2324 any transaction in a bond or other evidence of indebtedness secured by
 2325 a real or chattel mortgage or deed of trust or by an agreement for the
 2326 sale of real estate or chattels, if the entire mortgage, deed of trust or
 2327 agreement, together with all the bonds or other evidences of
 2328 indebtedness secured thereby, is offered and sold as a unit; (7) any
 2329 transaction by an executor, administrator, [sheriff] state marshal,
 2330 marshal, receiver, trustee in bankruptcy, creditors' committee in a
 2331 proceeding under the Bankruptcy Act, guardian or conservator; (8) any
 2332 transaction executed by a bona fide pledgee without any purpose of
 2333 evading sections 36b-2 to 36b-33, inclusive; (9) any offer or sale to a
 2334 bank and trust company, a national banking association, a savings
 2335 bank, a savings and loan association, a federal savings and loan
 2336 association, a credit union, a federal credit union, trust company,
 2337 insurance company, investment company as defined in the Investment
 2338 Company Act of 1940, pension or profit-sharing trust, or other
 2339 financial institution or institutional buyer, or to a broker-dealer,
 2340 whether the purchaser is acting for itself or in some fiduciary capacity;
 2341 (10) (A) subject to the provisions of this subdivision, any transaction
 2342 not involving a public offering within the meaning of Section 4(2) of
 2343 the Securities Act of 1933, but not including any transaction specified
 2344 in the rules and regulations thereunder; (B) subject to the provisions of
 2345 this subdivision, any transaction made in accordance with the uniform
 2346 exemption from registration for small issuers authorized in Section
 2347 19(c)(3)(C) of the Securities Act of 1933. (C) The exemptions set forth in
 2348 subparagraphs (A) and (B) of this subdivision shall not be available for
 2349 transactions in securities issued by any blank check company, shell
 2350 company or dormant company. (D) The exemptions set forth in
 2351 subparagraphs (A) and (B) of this subdivision may, with respect to any
 2352 security or transaction or any type of security or transaction, be
 2353 modified, withdrawn, further conditioned or waived as to conditions,
 2354 in whole or in part, conditionally or unconditionally, by the

2355 commissioner, acting by regulation, rule or order, on a finding that
2356 such regulation, rule or order is necessary or appropriate in the public
2357 interest or for the protection of investors. (E) A fee of one hundred fifty
2358 dollars shall accompany any filing made with the commissioner
2359 pursuant to this subdivision; (11) any offer or sale of a preorganization
2360 certificate or subscription if (A) no commission or other remuneration
2361 is paid or given directly or indirectly for soliciting any prospective
2362 subscriber, (B) the number of subscribers does not exceed ten, and (C)
2363 no payment is made by any subscriber; (12) any transaction pursuant
2364 to an offer to existing security holders of the issuer, including persons
2365 who at the time of the transaction are holders of convertible securities,
2366 nontransferable warrants or transferable warrants exercisable within
2367 not more than ninety days of their issuance, if (A) no commission or
2368 other remuneration other than a standby commission is paid or given
2369 directly or indirectly for soliciting any security holder in this state, or
2370 (B) the issuer first files a notice, in such form and containing such
2371 information as the commissioner may by regulation prescribe,
2372 specifying the terms of the offer and the commissioner does not by
2373 order disallow the exemption within the next ten full business days;
2374 (13) any offer, but not a sale, of a security for which registration
2375 statements have been filed under both sections 36b-2 to 36b-33,
2376 inclusive, and the Securities Act of 1933, if no stop order or refusal
2377 order is in effect and no public proceeding or examination looking
2378 toward such an order is pending under either said sections or the
2379 Securities Act of 1933; (14) any transaction exempt under Section 4(6)
2380 of the Securities Act of 1933, and the rules and regulations thereunder.
2381 The issuer shall, prior to the first sale, file with the commissioner a
2382 notice, in such form and containing such information as the
2383 commissioner may by regulation, rule or order prescribe. A fee of one
2384 hundred fifty dollars shall accompany any such filing made pursuant
2385 to this subdivision; (15) any transaction if all the following conditions
2386 are satisfied: (A) The offer and sale is effectuated by the issuer of the
2387 security; (B) the total number of purchasers of all securities of the
2388 issuer does not exceed ten. A subsequent sale of securities that (i) is
2389 registered under sections 36b-2 to 36b-33, inclusive, (ii) is sold

2390 pursuant to an exemption under said sections other than this
2391 subdivision, or (iii) involves covered securities, shall not be integrated
2392 with a sale pursuant to this exemption in computing the number of
2393 purchasers hereunder. For the purpose of this subdivision, each of the
2394 following is deemed to be a single purchaser of a security: A husband
2395 and wife, a child and his parent or guardian when the parent or
2396 guardian holds the security for the benefit of the child, a corporation, a
2397 partnership, an association or other unincorporated entity, a joint stock
2398 company or a trust, but only if the corporation, partnership,
2399 association, unincorporated entity, joint stock company or trust was
2400 not formed for the purpose of purchasing the security; (C) no
2401 advertisement, article, notice or other communication published in any
2402 newspaper, magazine or similar medium, or broadcast over television
2403 or radio, or any other general solicitation is used in connection with
2404 the sale; and (D) no commission, discount or other remuneration is
2405 paid or given directly or indirectly in connection with the offer and
2406 sale, and the total expenses, excluding legal and accounting fees, in
2407 connection with the offer and sale do not exceed one per cent of the
2408 total sales price of the securities. For purposes of this subdivision, a
2409 difference in the purchase price among the purchasers shall not, in and
2410 of itself, be deemed to constitute indirect remuneration; (16) any
2411 transaction exempt under Rule 701, 17 CFR Section 230.701
2412 promulgated under Section 3(b) of the Securities Act of 1933; (17) any
2413 other transaction that the commissioner may exempt, conditionally or
2414 unconditionally, on a finding that registration is not necessary or
2415 appropriate in the public interest or for the protection of investors.

2416 Sec. 83. Subsection (c) of section 38a-18 of the general statutes is
2417 repealed and the following is substituted in lieu thereof:

2418 (c) Whenever the commissioner makes any seizure as provided in
2419 subsection (b) of this section, [the sheriff of the county in which the
2420 principal office of the company is located] the Chief Court
2421 Administrator, the chief of police for the town or municipality in
2422 which the principal office of the company is located, and the
2423 Commissioner of Public Safety, shall, on demand of the commissioner,

2424 furnish him with such [deputies] state marshals, patrolmen, troopers
2425 or officers as may be necessary in enforcing or effecting any such
2426 seizure. Not more than fifteen days after making any seizure, the
2427 commissioner shall institute a proceeding under subsection (a) of this
2428 section, returnable not less than twelve or more than thirty days after
2429 the service thereof.

2430 Sec. 84. Subsection (b) of section 42-133f of the general statutes is
2431 repealed and the following is substituted in lieu thereof:

2432 (b) If the franchise which is the subject of a notice of termination,
2433 cancellation or failure to renew provided for in subsection (a) of this
2434 section is operated on premises leased by the franchisor to the
2435 franchisee under a lease which terminates upon termination of the
2436 franchise, and if the franchisor seeks to terminate the lease, the notice
2437 shall be served upon the franchisee by a [sheriff] state marshal or
2438 indifferent person and shall expressly state that said lease shall
2439 terminate upon termination of the franchise, and shall further state
2440 that the franchisee may have certain rights under sections 42-133f and
2441 42-133g, which sections shall be reproduced and attached to the notice.

2442 Sec. 85. Section 45a-316 of the general statutes is repealed and the
2443 following is substituted in lieu thereof:

2444 Whenever, upon the application of a creditor or other person
2445 interested in the estate of a deceased person, it is found by the court of
2446 probate having jurisdiction of the estate that the granting of
2447 administration on the estate or the probating of the will of the
2448 deceased will be delayed, or that it is necessary for the protection of
2449 the estate of the deceased, the court may, with or without notice,
2450 appoint a temporary administrator to hold and preserve the estate
2451 until the appointment of an administrator or the probating of the will.
2452 The court shall require from such administrator a probate bond. If the
2453 court deems it more expedient, it may order any [deputy sheriff] state
2454 marshal or constable to take possession of the estate until the
2455 appointment of an administrator or executor.

2456 Sec. 86. Subsection (a) of section 45a-649 of the general statutes is
2457 repealed and the following is substituted in lieu thereof:

2458 (a) Upon an application for involuntary representation, the court
2459 shall issue a citation to the following enumerated parties to appear
2460 before it at a time and place named in the citation, which shall be
2461 served on the parties at least seven days before the hearing date, which
2462 date shall not be more than thirty days after the receipt of the
2463 application by the Court of Probate unless continued for cause shown.
2464 Notice of the hearing shall be sent within thirty days after receipt of
2465 the application. (1) The court shall direct that personal service be
2466 made, by a [sheriff or his deputy] state marshal, constable or an
2467 indifferent person, upon the following: (A) The respondent, except that
2468 if the court finds personal service on the respondent would be
2469 detrimental to the health or welfare of the respondent, the court may
2470 order that such service be made upon counsel for the respondent, if
2471 any, and if none, upon the attorney appointed under subsection (b) of
2472 this section; (B) the respondent's spouse, if any, if the spouse is not the
2473 applicant, except that in cases where the application is for involuntary
2474 representation pursuant to section 17b-456, and there is no spouse, the
2475 court shall order notice by certified mail to the children of the
2476 respondent and if none, the parents of the respondent and if none, the
2477 brothers and sisters of the respondent or their representatives, and if
2478 none, the next of kin of such respondent. (2) The court shall order such
2479 notice as it directs to the following: (A) The applicant; (B) the person in
2480 charge of welfare in the town where the respondent is domiciled or
2481 resident and if there is no such person, the first selectman or chief
2482 executive officer of the town if the respondent is receiving assistance
2483 from the town; (C) the Commissioner of Social Services, if the
2484 respondent is in a state-operated institution or receiving aid, care or
2485 assistance from the state; (D) by registered or certified mail, to the
2486 Administrator of Veterans Affairs if the respondent is receiving
2487 veterans' benefits or the Veterans Home and Hospital, or both, if the
2488 respondent is receiving aid or care from such hospital, or both; (E) the
2489 Commissioner of Administrative Services, if the respondent is

2490 receiving aid or care from the state; (F) the children of the respondent
2491 and if none, the parents of the respondent and if none, the brothers
2492 and sisters of the respondent or their representatives; (G) the person in
2493 charge of the hospital, nursing home or some other institution, if the
2494 respondent is in a hospital, nursing home or some other institution. (3)
2495 The court, in its discretion, may order such notice as it directs to other
2496 persons having an interest in the respondent and to such persons the
2497 respondent requests be notified.

2498 Sec. 87. Subsection (a) of section 45a-671 of the general statutes is
2499 repealed and the following is substituted in lieu thereof:

2500 (a) Within forty-five days of filing such application in the Court of
2501 Probate, such court shall assign a time and place for hearing such
2502 application. Notwithstanding the provisions of section 45a-7, the court
2503 may hold the hearing on said application at a place within the state
2504 other than its usual courtroom if it would facilitate the presence of the
2505 respondent. Such court shall cause a citation and notice to be served
2506 upon the respondent by personal service made by a [sheriff or his
2507 deputy] state marshal, constable or an indifferent person not less than
2508 seven days prior to such hearing date.

2509 Sec. 88. Section 45a-693 of the general statutes is repealed and the
2510 following is substituted in lieu thereof:

2511 Upon such application for a determination of ability to give
2512 informed consent, such court shall assign a time, not later than thirty
2513 days thereafter, and a place for hearing such application. Any hearing
2514 held under this section shall be pursuant to sections 51-72 and 51-73.
2515 Notwithstanding the provisions of section 45a-7, the court may hold
2516 the hearing on said application at a place within the state other than
2517 the usual courtroom if it would facilitate the presence of the
2518 respondent. Such court shall cause a citation and notice to be served on
2519 the following parties at least seven days prior to such hearing date. (1)
2520 The court shall direct personal service be made by a [sheriff or his
2521 deputy] state marshal, constable or indifferent person upon the

2522 respondent and if the respondent is in the hospital, nursing home,
2523 state school or some other institution, in addition to the respondent,
2524 upon the chief executive, officer or administrator in such hospital,
2525 nursing home, state school or other institution. (2) The court shall
2526 order such notice as it directs to the following: (A) The parents of the
2527 respondent, if any, (B) the spouse of the respondent, if any, (C) the
2528 siblings of such applicant, if any, if the respondent has no living
2529 parents, (D) the office of protection and advocacy, and (E) such other
2530 persons as the court may determine have interest in the respondent.

2531 Sec. 89. Subsection (d) of section 46a-82e of the general statutes is
2532 repealed and the following is substituted in lieu thereof:

2533 (d) (1) If a complaint has been pending for more than two years after
2534 the date of filing pursuant to section 46a-82, and if the investigator fails
2535 to issue a finding of reasonable cause or no reasonable cause by the
2536 date ordered by the executive director of the commission pursuant to
2537 subsection (c) of this section, the complainant or respondent may
2538 petition the superior court for the judicial district of Hartford for an
2539 order requiring the commission to issue a finding of reasonable cause
2540 or no reasonable cause by a date certain. The petitioner shall submit
2541 the petition on forms prescribed by the Office of the Chief Court
2542 Administrator.

2543 (2) The clerk, upon receipt of the petition and if the clerk finds it to
2544 be in the proper form, shall fix a date for the hearing and sign the
2545 notice of hearing. The hearing date shall be no more than thirty days
2546 after the clerk signs the notice. Service shall be made on the
2547 commission and all persons named in the discriminatory practice
2548 complaint at least twenty days prior to the date of hearing by United
2549 States mail, certified or registered, postage prepaid, return receipt
2550 requested, without the use of a [sheriff] state marshal or other officer.
2551 Service on the commission shall be made on the executive director of
2552 the commission or the commission counsel. Within five days of service,
2553 the petitioner shall file with the court an affidavit stating the date and
2554 manner in which a copy of the petition was served and attach to the

2555 affidavit the return receipts indicating delivery of the petition.

2556 (3) Within ten days after receipt of the petition, any party, including
2557 the commission, may file an answer. The commission and all persons
2558 named in the discriminatory practice complaint shall have the right to
2559 appear and be heard at the hearing.

2560 (4) If the commission and parties agree on a date certain, the court
2561 shall order the commission to issue a finding by said date. If the
2562 allegations of the petition are contested, the court shall hold a hearing
2563 on the petition and issue an appropriate order. Hearing of oral
2564 argument on the petition shall take precedence over other matters in
2565 the court, as provided in section 46a-96. The court shall award court
2566 costs and attorney's fees to the petitioner, provided such party is a
2567 "person", as defined in subsection (l) of section 4-184a, unless the
2568 commission shows good cause for not issuing the finding of reasonable
2569 cause or no reasonable cause within two years of the date of filing or
2570 the date ordered by the executive director for the investigator to issue
2571 such finding, whichever is later. An award of court costs and attorney's
2572 fees shall be subject to the court's discretion, but shall not exceed a
2573 total of five hundred dollars.

2574 (5) This subsection shall not apply to complaints initiated by the
2575 commission or to pattern or practice or systemic cases.

2576 Sec. 90. Subsection (b) of section 46b-125 of the general statutes is
2577 repealed and the following is substituted in lieu thereof:

2578 (b) Probation officers shall make such investigations and reports as
2579 the court directs or the law requires. They shall execute the orders of
2580 the court; and, for that purpose, such probation officers, and any other
2581 employees specifically designated by the court to assist the probation
2582 officers in the enforcement of such orders, shall have the authority of a
2583 [deputy sheriff in each county of the state] state marshal. They shall
2584 preserve a record of all cases investigated or coming under their care,
2585 and shall keep informed concerning the conduct and condition of each
2586 person under supervision and report thereon to the court as it may

2587 direct. Any juvenile probation officer or juvenile matters investigator,
2588 authorized by the Office of the Chief Court Administrator, may arrest
2589 any juvenile on probation without a warrant or may deputize any
2590 other officer with power to arrest to do so by giving him a written
2591 statement setting forth that the juvenile has, in the judgment of the
2592 juvenile probation officer or juvenile matters investigator, violated the
2593 conditions of his probation. When executing such orders of the court,
2594 except when using deadly physical force, juvenile probation officers
2595 and juvenile matters investigators shall be deemed to be acting in the
2596 capacity of a peace officer, as defined in subdivision (9) of section 53a-
2597 3.

2598 Sec. 91. Section 46b-144 of the general statutes is repealed and the
2599 following is substituted in lieu thereof:

2600 In committing a child or youth to a custodial agency, other than its
2601 natural guardians, the court shall, as far as practicable, select as such
2602 agency some person of like faith to that of the parent or parents of the
2603 child or youth or some agency or institution governed by persons of
2604 such faith, unless such agency or institution is a state or municipal
2605 agency or institution. In the order of committal, the court shall
2606 designate some indifferent person to serve the commitment process,
2607 and such indifferent person may be accompanied by any suitable
2608 relative or friend of such child or youth. If the person designated to
2609 serve such commitment process is an officer, such officer shall not
2610 serve such commitment process while dressed in the uniform of any
2611 police officer, [or sheriff,] and no such officer shall, while serving any
2612 such commitment process, wear plainly displayed any police officer's
2613 [or sheriff's] badge.

2614 Sec. 92. Section 46b-150 of the general statutes is repealed and the
2615 following is substituted in lieu thereof:

2616 Any minor who has reached his sixteenth birthday and is residing
2617 in this state, or any parent or guardian of such minor, may petition the
2618 superior court for juvenile matters or the probate court for the district

2619 in which either the minor or his parents or guardian resides for a
2620 determination that the minor named in the petition be emancipated.
2621 The petition shall be verified and shall state plainly: (1) The facts which
2622 bring the minor within the jurisdiction of the court, (2) the name, date
2623 of birth, sex and residence of the minor, (3) the name and residence of
2624 his parent, parents or guardian, and (4) the name of the petitioner and
2625 his relationship to the minor. Upon the filing of the petition in the
2626 Superior Court, the court shall cause a summons to be issued to the
2627 minor and his parent, parents or guardian, in the manner provided in
2628 section 46b-128. Upon the filing of the petition in the Probate Court,
2629 the court shall assign a time, not later than thirty days thereafter, and a
2630 place for hearing such petition. The court shall cause a citation and
2631 notice to be served on the minor and his parent, if the parent is not the
2632 petitioner, at least seven days prior to the hearing date, by a [sheriff,
2633 his deputy] state marshal, constable or indifferent person. The court
2634 shall direct notice by certified mail to the parent, if the parent is the
2635 petitioner. The court shall order such notice as it directs to the
2636 Commissioner of Children and Families, and other persons having an
2637 interest in the minor.

2638 Sec. 93. Subsection (a) of section 46b-160 of the general statutes is
2639 repealed and the following is substituted in lieu thereof:

2640 (a) Proceedings to establish paternity of a child born or conceived
2641 out of lawful wedlock, including one born to, or conceived by, a
2642 married woman but begotten by a man other than her husband, shall
2643 be commenced by the service on the putative father of a verified
2644 petition of the mother or expectant mother. The verified petition,
2645 summons and order shall be filed in the superior court for the judicial
2646 district in which either she or the putative father resides, except that in
2647 IV-D support cases, as defined in subdivision (13) of subsection (b) of
2648 section 46b-231 and in petitions brought under sections 46b-212 to 46b-
2649 213v, inclusive, such petition shall be filed with the clerk for the Family
2650 Support Magistrate Division serving the judicial district where either
2651 she or the putative father resides. In cases involving public assistance
2652 recipients the petition shall also be served upon the Attorney General

2653 who shall be and remain a party to any paternity proceeding and to
2654 any proceedings after judgment in such action. The court or any judge,
2655 or family support magistrate, assigned to said court shall cause a
2656 summons, signed by him, by the clerk of said court, or by a
2657 commissioner of the Superior Court to be issued, requiring the
2658 putative father to appear in court at a time and place as determined by
2659 the clerk but not more than ninety days after the issuance of the
2660 summons to show cause, if any he has, why the request for relief in
2661 such petition should not be granted. A [sheriff] state marshal, proper
2662 officer or investigator shall make due returns of process to the court
2663 not less than twenty-one days before the date assigned for hearing.
2664 Such petition, summons and order shall be on forms prescribed by the
2665 Office of the Chief Court Administrator. In the case of a child or
2666 expectant mother being supported wholly or in part by the state,
2667 service of such petition may be made by any investigator employed by
2668 the Department of Social Services and any proper officer authorized by
2669 law. Such petition may be brought at any time prior to the child's
2670 eighteenth birthday, provided liability for past support shall be limited
2671 to the three years next preceding the date of the filing of any such
2672 petition. If the putative father fails to appear in court at such time and
2673 place, the court or family support magistrate shall hear the petitioner
2674 and, upon a finding that process was served on the putative father,
2675 shall enter a default judgment of paternity against such father and
2676 such other orders as the facts may warrant. Such court or family
2677 support magistrate may order continuance of such hearing; and if such
2678 mother or expectant mother continues constant in her accusation, it
2679 shall be evidence that the respondent is the father of such child. The
2680 court or family support magistrate shall, upon motion by a party, issue
2681 an order for temporary support of the child by the respondent pending
2682 a final judgment of the issue of paternity if such court or magistrate
2683 finds that there is clear and convincing evidence of paternity which
2684 evidence shall include, but not be limited to, genetic test results
2685 indicating a ninety-nine per cent or greater probability that such
2686 respondent is the father of the child.

2687 Sec. 94. Subsection (c) of section 46b-172 of the general statutes is
2688 repealed and the following is substituted in lieu thereof:

2689 (c) At any time after the signing of any acknowledgment of
2690 paternity, upon the application of any interested party, the court or
2691 any judge thereof or any family support magistrate in IV-D support
2692 cases and in matters brought under sections 46b-212 to 46b-213v,
2693 inclusive, shall cause a summons, signed by him, by the clerk of said
2694 court or by a commissioner of the Superior Court, to be issued,
2695 requiring the acknowledged father to appear in court at a time and
2696 place as determined by the clerk but not more than ninety days after
2697 the issuance of the summons, to show cause, if any he has, why the
2698 court or the family support magistrate assigned to the judicial district
2699 in IV-D support cases should not enter judgment for support of the
2700 child by payment of a periodic sum until the child attains the age of
2701 eighteen years, together with provision for reimbursement for past due
2702 support based upon ability to pay in accordance with the provisions of
2703 section 17b-81, 17b-223, subsection (b) of section 17b-179, section 17a-
2704 90, 46b-129 or 46b-130, a provision for health coverage of the child as
2705 required by section 46b-215, and reasonable expense of the action
2706 under this subsection. Such court or family support magistrate, in IV-D
2707 cases, shall also have the authority to order the acknowledged father
2708 who is subject to a plan for reimbursement of past-due support and is
2709 not incapacitated, to participate in work activities which may include,
2710 but shall not be limited to, job search, training, work experience and
2711 participation in the job training and retraining program established by
2712 the Labor Commissioner pursuant to section 31-3t. The application,
2713 summons and order shall be on forms prescribed by the Office of the
2714 Chief Court Administrator. Proceedings to obtain such orders of
2715 support shall be commenced by the service of such summons on the
2716 acknowledged father. A [sheriff] state marshal or proper officer shall
2717 make due return of process to the court not less than twenty-one days
2718 before the date assigned for hearing. The prior judgment as to
2719 paternity shall be res judicata as to that issue for all paternity
2720 acknowledgments filed with the court on or after March 1, 1981, but

2721 before July 1, 1997, and shall not be reconsidered by the court unless
2722 the person seeking review of the acknowledgment petitions the
2723 superior court for the judicial district having venue for a hearing on
2724 the issue of paternity within three years of such judgment. In addition
2725 to such review, if the acknowledgment of paternity was filed prior to
2726 March 1, 1981, the acknowledgment of paternity may be reviewed by
2727 denying the allegation of paternity in response to the initial petition for
2728 support, whenever it is filed. All such payments shall be made to the
2729 petitioner, except that in IV-D support cases, as defined in subsection
2730 (b) of section 46b-231, payments shall be made to the state, acting by
2731 and through the IV-D agency.

2732 Sec. 95. Subsection (a) of section 46b-215 of the general statutes, as
2733 amended by section 31 of public act 99-279, is repealed and the
2734 following is substituted in lieu thereof:

2735 (a) (1) The Superior Court or a family support magistrate shall have
2736 authority to make and enforce orders for payment of support against
2737 any person who neglects or refuses to furnish necessary support to
2738 such person's spouse or a child under the age of eighteen, according to
2739 such person's ability to furnish such support, notwithstanding the
2740 provisions of section 46b-37.

2741 (2) Any such support order in a IV-D support case shall include a
2742 provision for the health care coverage of the child which provision
2743 may include an order for either parent to name any child under
2744 eighteen as a beneficiary of any medical or dental insurance or benefit
2745 plan carried by such parent or available to such parent on a group
2746 basis through an employer or a union. If such insurance coverage is
2747 unavailable at reasonable cost, the provision for health care coverage
2748 may include an order for either parent to apply for and maintain
2749 coverage on behalf of the child under the HUSKY Plan, Part B. The
2750 noncustodial parent shall be ordered to apply for the HUSKY Plan,
2751 Part B only if such parent is found to have sufficient ability to pay the
2752 appropriate premium. In any IV-D support case in which the
2753 noncustodial parent is found to have insufficient ability to provide

2754 medical insurance coverage and the custodial party is the HUSKY
2755 Plan, Part A or Part B applicant, the provision for health care coverage
2756 may include an order for the noncustodial parent to pay such amount
2757 as is specified by the court or family support magistrate to the state or
2758 the custodial party, as their interests may appear, to offset the cost of
2759 any insurance payable under the HUSKY Plan, Part A or Part B. In no
2760 event may such order include payment to offset the cost of any such
2761 premium if such payment would reduce the amount of current
2762 support required under the child support guidelines.

2763 (3) Proceedings to obtain orders of support under this section shall
2764 be commenced by the service on the liable person or persons of a
2765 verified petition with summons and order, in a form prescribed by the
2766 Office of the Chief Court Administrator, of the husband or wife, child
2767 or any relative or the conservator, guardian or support enforcement
2768 officer, town or state, or any selectmen or the public official charged
2769 with the administration of public assistance of the town, or in TANF
2770 support cases, as defined in subdivision (14) of subsection (b) of
2771 section 46b-231, the Commissioner of Social Services. The verified
2772 petition, summons and order shall be filed in the judicial district in
2773 which the petitioner or respondent resides or does business, or if filed
2774 in the Family Support Magistrate Division, in the judicial district in
2775 which the petitioner or respondent resides or does business.

2776 (4) For purposes of this section, the term "child" shall include one
2777 born out of wedlock whose father has acknowledged in writing
2778 paternity of such child or has been adjudged the father by a court of
2779 competent jurisdiction, or a child who was born before marriage
2780 whose parents afterwards intermarry.

2781 (5) Said court or family support magistrate shall also have authority
2782 to make and enforce orders directed to the conservator or guardian of
2783 any person, or payee of Social Security or other benefits to which such
2784 person is entitled, to the extent of the income or estate held by such
2785 fiduciary or payee in any such capacity.

2786 (6) Said court or family support magistrate shall also have authority
2787 to determine, order and enforce payment of any sums due under a
2788 written agreement to support against the person liable for such
2789 support under such agreement.

2790 (7) (A) Said court or family support magistrate shall also have
2791 authority to determine, order and enforce payment of any support due
2792 because of neglect or refusal to furnish support prior to the action.

2793 (B) In the determination of support due based on neglect or refusal
2794 to furnish support prior to the action, the support due for periods of
2795 time prior to the action shall be based upon the obligor's ability to pay
2796 during such prior periods. The state shall disclose to the court any
2797 information in its possession concerning current and past ability to
2798 pay. With respect to such orders entered into on or after October 1,
2799 1991, if no information is available to the court concerning past ability
2800 to pay, the court may determine the support due for periods of time
2801 prior to the action as if past ability to pay is equal to current ability to
2802 pay if known or, if not known, based upon assistance rendered to the
2803 child.

2804 (C) Any finding as to support due for periods of time prior to the
2805 action which is made without information concerning past ability to
2806 pay shall be entered subject to adjustment when such information
2807 becomes available to the court. Such adjustment may be made upon
2808 motion of any party within four months from the date upon which the
2809 obligor receives notification of (i) the amount of such finding of
2810 support due for periods of time prior to the action, and (ii) the right
2811 within four months of receipt of such notification to present evidence
2812 as to past ability to pay support for such periods of time prior to the
2813 action.

2814 (8) (A) The judge or family support magistrate shall cause a
2815 summons, signed by such judge or magistrate, by the clerk of said
2816 court or Family Support Magistrate Division, or by a commissioner of
2817 the Superior Court to be issued requiring such liable person or persons

2818 to appear in court or before a family support magistrate, at a time and
2819 place as determined by the clerk but not more than ninety days after
2820 the issuance of the summons. Service may be made by a [sheriff] state
2821 marshal, any proper officer or any investigator employed by the
2822 Department of Social Services or by the Commissioner of
2823 Administrative Services. The [sheriff] state marshal, proper officer or
2824 investigator shall make due return of process to the court not less than
2825 twenty-one days before the date assigned for hearing. Upon proof of
2826 the service of the summons to appear in court or before a family
2827 support magistrate at the time and place named for hearing upon such
2828 petition, the failure of the defendant or defendants to appear shall not
2829 prohibit the court or family support magistrate from going forward
2830 with the hearing. If the summons and order is signed by a
2831 commissioner of the Superior Court, upon proof of service of the
2832 summons to appear in court or before a family support magistrate and
2833 upon the failure of the defendant to appear at the time and place
2834 named for hearing upon the petition, request may be made by the
2835 petitioner to the court or family support magistrate for an order that a
2836 *capias mittimus* be issued.

2837 (B) In the case of a person supported wholly or in part by a town,
2838 the welfare authority of the town shall notify the responsible relatives
2839 of such person of the amount of assistance given, the beginning date
2840 thereof and the amount of support expected from each of them, if any,
2841 and if any such relative does not contribute in such expected amount,
2842 the superior court for the judicial district in which such town is located
2843 or a family support magistrate sitting in the judicial district in which
2844 such town is located may order such relative or relatives to contribute
2845 to such support, from the time of the beginning date of expense shown
2846 on the notice, such sum as said court or family support magistrate
2847 deems reasonably within each such relative's ability to support such
2848 person.

2849 (C) The court, or any judge thereof, or family support magistrate
2850 when said court or family support magistrate is not sitting, may
2851 require the defendant or defendants to become bound, with sufficient

2852 surety, to the state, town or person bringing the complaint, to abide
2853 such judgment as may be rendered on such complaint. Failure of the
2854 defendant or defendants to obey any order made under this section,
2855 may be punished as contempt of court and the costs of commitment of
2856 any person imprisoned therefor shall be paid by the state as in criminal
2857 cases. Except as otherwise provided, upon proof of the service of the
2858 summons to appear in court or before a family support magistrate at
2859 the time and place named for a hearing upon the failure of the
2860 defendant or defendants to obey such court order or order of the
2861 family support magistrate, the court or family support magistrate may
2862 order a *capias mittimus* be issued, and directed to some proper officer
2863 to arrest such defendant or defendants and bring such defendant or
2864 defendants before the Superior Court for the contempt hearing. When
2865 any person is found in contempt under this section, the court or family
2866 support magistrate may award to the petitioner a reasonable attorney's
2867 fee and the fees of the officer serving the contempt citation, such sums
2868 to be paid by the person found in contempt.

2869 (9) In addition to or in lieu of such contempt proceedings, the court
2870 or family support magistrate, upon a finding that any person has failed
2871 to obey any order made under this section, may: (A) Order a plan for
2872 payment of any past-due support owing under such order, or, in IV-D
2873 cases, if such obligor is not incapacitated, order such obligor to
2874 participate in work activities which may include, but shall not be
2875 limited to, job search, training, work experience and participation in
2876 the job training and retraining program established by the Labor
2877 Commissioner pursuant to section 31-3t; (B) suspend any professional,
2878 occupational, recreational, commercial driver's or motor vehicle
2879 operator's license as provided in subsections (b) to (e), inclusive, of
2880 section 46b-220, provided such failure was without good cause; (C)
2881 issue an income withholding order against such amount of any debt
2882 accruing by reason of personal services as provided by sections 52-362,
2883 52-362b and 52-362c; and (D) order executions against any real,
2884 personal, or other property of such person which cannot be
2885 categorized solely as either, for payment of accrued and unpaid

2886 amounts due under such order.

2887 (10) No entry fee, judgment fee or any other court fee shall be
2888 charged by the court or the family support magistrate to either party in
2889 proceedings under this section.

2890 (11) Any written agreement to support which is filed with the court
2891 or the Family Support Magistrate Division shall have the effect of an
2892 order of the court or a family support magistrate.

2893 Sec. 96. Subsections (a) and (b) of section 47a-42 of the general
2894 statutes are repealed and the following is substituted in lieu thereof:

2895 (a) Whenever a judgment is entered against a defendant pursuant to
2896 section 47a-26, 47a-26a, 47a-26b or 47a-26d for the recovery of
2897 possession or occupancy of residential property, such defendant and
2898 any other occupant bound by the judgment by subsection (a) of section
2899 47a-26h shall forthwith remove himself, his possessions and all
2900 personal effects unless execution has been stayed pursuant to sections
2901 47a-35 to 47a-41, inclusive. If execution has been stayed, such
2902 defendant or occupant shall forthwith remove himself, his possessions
2903 and all personal effects upon the expiration of any stay of execution. If
2904 the defendant or occupant has not so removed himself upon entry of a
2905 judgment pursuant to section 47a-26, 47a-26a, 47a-26b or 47a-26d, and
2906 upon expiration of any stay of execution, the plaintiff may obtain an
2907 execution upon such summary process judgment, and the defendant
2908 or other occupant bound by the judgment by subsection (a) of section
2909 47a-26h and the possessions and personal effects of such defendant or
2910 other occupant may be removed by a [sheriff or his deputy] state
2911 marshal, pursuant to such execution, and such possessions and
2912 personal effects may be set out on the adjacent sidewalk, street or
2913 highway.

2914 (b) Before any such removal, the [sheriff or deputy] state marshal
2915 charged with executing upon any such judgment of eviction shall give
2916 the chief executive officer of the town twenty-four hours notice of the
2917 eviction, stating the date, time and location of such eviction as well as a

2918 general description, if known, of the types and amount of property to
2919 be removed from the premises. Before giving such notice to the chief
2920 executive officer of the town, the [sheriff or deputy] state marshal shall
2921 use reasonable efforts to locate and notify the defendant of the date
2922 and time such eviction is to take place and of the possibility of a sale
2923 pursuant to subsection (c) of this section. Such notice shall include
2924 service upon each defendant and upon any other person in occupancy,
2925 either personally or at the premises, of a true copy of the summary
2926 process execution. Such execution shall be on a form prescribed by the
2927 Judicial Department, shall be in clear and simple language and in
2928 readable format, and shall contain, in addition to other notices given to
2929 the defendant in the execution, a conspicuous notice, in large boldface
2930 type, that a person who claims to have a right to continue to occupy
2931 the premises should immediately contact an attorney.

2932 Sec. 97. Subsections (b) and (c) of section 47a-42a of the general
2933 statutes are repealed and the following is substituted in lieu thereof:

2934 (b) The [sheriff or deputy] state marshal charged with executing
2935 upon any such summary process judgment shall, at least twenty-four
2936 hours prior to the date and time of the eviction, use reasonable efforts
2937 to locate and notify the defendant or occupant of the date and time
2938 such eviction is to take place. Such notice shall include service upon
2939 each defendant and upon any other person in occupancy, either
2940 personally or at the premises, of a true copy of the summary process
2941 execution. Such execution shall be on a form prescribed by the Judicial
2942 Department, shall be in clear and simple language and in readable
2943 format, and shall contain, in addition to other notices given to the
2944 defendant or occupant in the execution, a conspicuous notice, in large
2945 boldface type, that a person who claims to have a right to continue to
2946 occupy the premises should immediately contact an attorney. Such
2947 execution shall contain a notice advising the defendant or occupant
2948 that if he does not remove his possessions and personal effects from
2949 the premises by the date and time set for the eviction and thereafter
2950 fails to claim such possessions and personal effects from the landlord
2951 and pay any removal and storage costs within fifteen days after the

2952 date of such eviction, such possessions and personal effects will be
2953 forfeited to the landlord.

2954 (c) The [sheriff or deputy] state marshal who served the execution
2955 upon the defendant or occupant as provided in subsection (b) of this
2956 section shall return to the premises at the date and time such eviction
2957 is to take place. If the defendant or occupant has not removed himself
2958 from the premises, the [sheriff or deputy] state marshal shall remove
2959 such defendant or occupant. If the defendant or occupant has not
2960 removed his possessions and personal effects from the premises, the
2961 plaintiff, in the presence of the [sheriff or deputy] state marshal, shall
2962 prepare an inventory of such possessions and personal effects and
2963 provide a copy of such inventory to the [sheriff or deputy] state
2964 marshal. The plaintiff shall remove and store such possessions or
2965 personal effects or shall store the same in the premises. Such removal
2966 and storage or storage in the premises shall be at the expense of the
2967 defendant. If such possessions and effects are not called for by the
2968 defendant or occupant and the expense of such removal and storage or
2969 storage in the premises is not paid to the plaintiff within fifteen days
2970 after such eviction, the defendant or occupant shall forfeit such
2971 possessions and personal effects to the plaintiff and the plaintiff may
2972 dispose of them as he deems appropriate.

2973 Sec. 98. Section 48-23 of the general statutes is repealed and the
2974 following is substituted in lieu thereof:

2975 When, under the provisions of any statute authorizing the
2976 condemnation of land in the exercise of the right of eminent domain,
2977 an appraisal of damages has been returned to the clerk of the Superior
2978 Court, as provided by law, and when the amount of appraisal has been
2979 paid or secured to be paid or deposited with the State Treasurer, as
2980 provided by law, any judge of the Superior Court may, upon
2981 application and proof of such payment or deposit, order such clerk to
2982 issue an execution commanding [the sheriff of the county] a state
2983 marshal to put the parties entitled thereto into peaceable possession of
2984 the land so condemned.

2985 Sec. 99. Subsection (b) of section 49-22 of the general statutes is
2986 repealed and the following is substituted in lieu thereof:

2987 (b) Before any such removal, the [sheriff or deputy] state marshal
2988 charged with executing upon the ejectment shall give the chief
2989 executive officer of the town twenty-four hours notice of the ejectment,
2990 stating the date, time and location of such ejectment as well as a
2991 general description, if known, of the types and amount of property to
2992 be removed from the land. Before giving such notice to the chief
2993 executive officer of the town, the sheriff or deputy shall use reasonable
2994 efforts to locate and notify the person or persons in possession of the
2995 date and time such ejectment is to take place and of the possibility of a
2996 sale pursuant to subsection (c) of this section.

2997 Sec. 100. Subsection (a) of section 49-35 of the general statutes is
2998 repealed and the following is substituted in lieu thereof:

2999 (a) No person other than the original contractor for the construction,
3000 raising, removal or repairing of the building, or the development of
3001 any lot, or the site development or subdivision of any plot of land or a
3002 subcontractor whose contract with the original contractor is in writing
3003 and has been assented to in writing by the other party to the original
3004 contract, is entitled to claim any such mechanic's lien, unless, after
3005 commencing, and not later than ninety days after ceasing, to furnish
3006 materials or render services for such construction, raising, removal or
3007 repairing, he gives written notice to the owner of the building, lot or
3008 plot of land and to the original contractor that he has furnished or
3009 commenced to furnish materials, or rendered or commenced to render
3010 services, and intends to claim a lien therefor on the building, lot or plot
3011 of land; provided an original contractor shall not be entitled to such
3012 notice, unless, not later than fifteen days after commencing the
3013 construction, raising, removal or repairing of the building, or the
3014 development of any lot, or the site development or subdivision of any
3015 plot of land, such original contractor lodges with the town clerk of the
3016 town in which the building, lot or plot of land is situated an affidavit
3017 in writing, which shall be recorded by the town clerk with deeds of

3018 land, (1) stating the name under which such original contractor
3019 conducts business, (2) stating his business address and (3) describing
3020 the building, lot or plot of land. The right of any person to claim a lien
3021 under this section shall not be affected by the failure of such affidavit
3022 to conform to the requirements of this section. The notice shall be
3023 served upon the owner or original contractor, if such owner or original
3024 contractor resides in the same town in which the building is being
3025 erected, raised, removed or repaired or the lot is being improved, or
3026 the plot of land is being improved or subdivided, by any indifferent
3027 person, [sheriff] state marshal or other proper officer, by leaving with
3028 such owner or original contractor or at his usual place of abode a true
3029 and attested copy thereof. If the owner or original contractor does not
3030 reside in such town, but has a known agent therein, the notice may be
3031 so served upon the agent, otherwise it may be served by any
3032 indifferent person, [sheriff] state marshal or other proper officer, by
3033 mailing a true and attested copy of the notice by registered or certified
3034 mail to the owner or original contractor at the place where he resides.
3035 If such copy is returned unclaimed, notice to such owner or original
3036 contractor shall be given by publication in accordance with the
3037 provisions of section 1-2. When there are two or more owners, or two
3038 or more original contractors, the notice shall be so served on each
3039 owner and on each original contractor. The notice, with the return of
3040 the person who served it endorsed thereon, shall be returned to the
3041 original maker of the notice within said period of ninety days.

3042 Sec. 101. Subsection (b) of section 49-35a of the general statutes is
3043 repealed and the following is substituted in lieu thereof:

3044 (b) The application, order and summons shall be substantially in the
3045 following form:

3046

3047 APPLICATION FOR DISCHARGE OR

3048 REDUCTION OF MECHANIC'S LIEN

3049 To the Court of

3050 The undersigned represents:

3051 1. That is the owner of the real estate described in Schedule A
3052 attached hereto.

3053 2. That the names and addresses of all other owners of record of
3054 such real estate are as follows:

3055 3. That on or about ..., (date) ..., (name of lienor) of (address of
3056 lienor) placed a mechanic's lien on such real estate and gave notice
3057 thereof.

3058 4. That there is not probable cause to sustain the validity of such lien
3059 (or: That such lien is excessive).

3060 5. That the applicant seeks an order for discharge (or reduction) of
3061 such lien.

3062

3063 Name of Applicant

3064 By

3065 His Attorney

3066

3067 ORDER

3068 The above application having been presented to the court, it is
3069 hereby ordered, that a hearing be held thereon at a.m. and that the
3070 applicant give notice to the following persons: (Names and addresses
3071 of persons entitled to notice) of the pendency of said application and of
3072 the time when it will be heard by causing a true and attested copy of
3073 the application, and of this order to be served upon such persons by
3074 some proper officer or indifferent person on or before and that due

3075 return of such notice be made to this court.

3076 Dated at this day of 19...

3077

3078 SUMMONS

3079 To [the sheriff] a state marshal of the county of, [his deputy,] or
3080 either constable of the town of, in said county,

3081 Greeting:

3082 By authority of the state of Connecticut, you are hereby commanded
3083 to serve a true and attested copy of the above application and order
3084 upon, of by leaving the same in his hands or at his usual place of
3085 abode (or such other notice as ordered by the court) on or before

3086 Hereof fail not but due service and return make.

3087 Dated at this day of 19...

3088

3089

3090 Commissioner of the Superior Court

3091 (1) The clerk upon receipt of all the documents in duplicate, if he
3092 finds them to be in proper form, shall fix a date for a hearing on the
3093 application and sign the order of hearing and notice. An entry fee of
3094 twenty dollars shall then be collected and a copy of the original
3095 document shall be placed in the court file.

3096 (2) The clerk shall deliver to the applicant's attorney the original of
3097 the documents for service. Service having been made, the original
3098 documents shall be returned to the court with the endorsement by the
3099 officer of his doings.

3100 Sec. 102. Section 49-55d of the general statutes is repealed and the

3101 following is substituted in lieu thereof:

3102 (a) If the lienor does not have possession of the vessel, he may bring
3103 a complaint, setting forth the reasons for the lien and demanding the
3104 sale of the vessel, returnable in the Superior Court, within whose
3105 jurisdiction the vessel is located or where the services for which the
3106 lien is claimed were performed. The lienor may cause to be issued a
3107 writ of attachment against the vessel directed to a [sheriff] state
3108 marshal or other proper officer who shall take possession of the vessel
3109 and continue in possession of the same where located, or elsewhere as
3110 deemed expedient by the officer.

3111 (b) A copy of the complaint shall be personally served by a [sheriff]
3112 state marshal or other proper officer upon the owner of the vessel or
3113 left at his usual place of abode if the owner is a resident of this state. If
3114 the owner is not a resident of this state, then a copy of the complaint
3115 shall be served upon such person as may be in charge of the vessel and
3116 the [sheriff] state marshal shall send a notice of the complaint and the
3117 attachment of the vessel to the owner by certified mail at his last-
3118 known residence.

3119 (c) The owner or his representative shall have thirty days next
3120 succeeding the date the complaint is returnable to the proper court to
3121 file an affidavit with the court controverting any material allegations
3122 contained in the complaint and an affidavit that he has a valid defense.
3123 The issues so raised shall be tried as all other issues in the court. If the
3124 owner or his legal representative does not file the necessary affidavits,
3125 the lienor may make a motion for judgment and order of sale which
3126 shall be heard on short calendar by the court having jurisdiction,
3127 which motion the court shall have the power to grant and the court
3128 shall order the sale of the vessel by the [sheriff] state marshal or other
3129 proper officer at public auction, subject to all prior encumbrances on
3130 file with the Secretary of the State, provided at least seven days prior
3131 to the sale, a notice of the time, place, and purpose of the sale be
3132 published in a newspaper having general circulation where the vessel
3133 was located at the time of the attachment, and notice of same be sent

3134 by certified mail to the owner of the vessel at his last-known place of
3135 residence and to all other holders of valid security interests on file with
3136 the office of said secretary. The proceeds of the sale, after payment of
3137 all expenses connected with the sale and payment of any balance due
3138 on any valid security interest perfected before the vessel lien was filed,
3139 and satisfaction of the vessel lien and satisfaction of any valid security
3140 interest subsequent to the vessel lien presented for payment shall be
3141 paid to the owner. If the amount due the owner is not claimed within
3142 one year from the date of such sale, it shall escheat to the state.

3143 Sec. 103. Section 50-1 of the general statutes is repealed and the
3144 following is substituted in lieu thereof:

3145 All goods of a perishable nature left with any person, when the
3146 owner is unknown or when the owner neglects to take them away after
3147 reasonable notice, shall be advertised at least one week in a newspaper
3148 published in the county where they were left; and, if not then claimed
3149 and taken away, may be sold at public auction, under the inspection of
3150 [the sheriff or a deputy sheriff of such county] a state marshal, and the
3151 proceeds of the sale, after deducting the expenses thereof and the
3152 charges for which they may be liable, shall be deposited with the
3153 treasurer of the town where they were left, who shall hold the same,
3154 subject to the provisions of part III of chapter 32.

3155 Sec. 104. Subsection (a) of section 51-30 of the general statutes is
3156 repealed and the following is substituted in lieu thereof:

3157 (a) The Superior Court or family support magistrate, when
3158 transacting business, shall be attended by [the sheriff of the county in
3159 which the court is held or by such of his deputies or special deputies,]
3160 such judicial police officers or by such constables, [as the sheriff may
3161 authorize,] and by such messengers as the Chief Court Administrator
3162 or his designee may authorize.

3163 Sec. 105. Section 51-89 of the general statutes is repealed and the
3164 following is substituted in lieu thereof:

3165 No [sheriff, deputy sheriff] state marshal or constable shall appear
3166 in court as attorney.

3167 Sec. 106. Section 51-206 of the general statutes is repealed and the
3168 following is substituted in lieu thereof:

3169 An adjournment of any term or session of the Supreme Court may
3170 be made, at any time when no judge of the court is present, by [the
3171 sheriff of Hartford County, or by his deputy] judicial police officers,
3172 upon a written order from the Chief Justice of said court or, in his
3173 absence or inability to act, from the senior associate judge of said court,
3174 directing such adjournment and the time to which it shall be made;
3175 but, when any judge or judges of said court are present, such judge or
3176 judges may make such adjournment; provided any adjournment made
3177 upon such written order or by any judge or judges less than a quorum
3178 shall not be made to a time beyond one month from the day of
3179 adjournment.

3180 Sec. 107. Section 51-246 of the general statutes is repealed and the
3181 following is substituted in lieu thereof:

3182 In the trial of any capital case or any case involving imprisonment
3183 for life, the court may, in its discretion, require the jury to remain
3184 together in the charge of [the sheriff] judicial police officers during the
3185 trial and until the jury is discharged by the court from further
3186 consideration of the case.

3187 Sec. 108. Subsection (a) of section 52-50 of the general statutes is
3188 repealed and the following is substituted in lieu thereof:

3189 (a) All process shall be directed to a [sheriff, his deputy] state
3190 marshal, a constable or other proper officer authorized by statute, or,
3191 subject to the provisions of subsection (b) of this section, to an
3192 indifferent person. A direction on the process "to any proper officer"
3193 shall be sufficient to direct the process to a [sheriff, deputy sheriff]
3194 state marshal, constable or other proper officer.

3195 Sec. 109. Section 52-53 of the general statutes is repealed and the
3196 following is substituted in lieu thereof:

3197 A [sheriff] state marshal may, on any special occasion, depute, in
3198 writing on the back of the process, any proper person to serve it. After
3199 serving the process, such person shall make oath before a justice of the
3200 peace that he faithfully served the process according to his
3201 endorsement thereon and did not fill out the process or direct any
3202 person to fill it out; and, if such justice of the peace certifies on the
3203 process that he administered such oath, the service shall be valid.

3204 Sec. 110. Section 52-127 of the general statutes is repealed and the
3205 following is substituted in lieu thereof:

3206 Any process or complaint drawn or filled out by a [sheriff, deputy
3207 sheriff] state marshal or constable, except in his own cause, shall abate;
3208 but process shall not abate on account of any alteration between the
3209 time of signing and of serving it.

3210 Sec. 111. Subsection (b) of section 52-278c of the general statutes is
3211 repealed and the following is substituted in lieu thereof:

3212 (b) The application, order and summons shall be substantially in the
3213 form following:

3214

3215 APPLICATION FOR PREJUDGMENT REMEDY

3216 To the Superior Court for the judicial district of

3217 The undersigned represents:

3218 1. That is about to commence an action against of (give
3219 name and address of defendant) pursuant to the attached proposed
3220 unsigned Writ, Summons, Complaint and Affidavit.

3221 2. That there is probable cause that a judgment in the amount of the
3222 prejudgment remedy sought, or in an amount greater than the amount

3251 SUMMONS

3252 To [the sheriff] a state marshal of the county of ..., [his deputy,] or
3253 either constable of the town of ..., in said county,

3254 Greeting:

3255 By authority of the state of Connecticut, you are hereby commanded
3256 to serve a true and attested copy of the above application, unsigned
3257 proposed writ, summons, complaint, affidavit and order upon ..., of
3258 ..., by leaving the same in his hands or at his usual place of abode on
3259 or before

3260 Hereof fail not but due service and return make.

3261 Dated at this day of 19...

3262 Commissioner of the Superior Court

3263 Sec. 112. Section 52-293 of the general statutes is repealed and the
3264 following is substituted in lieu thereof:

3265 When any livestock, or other personal property in its nature
3266 perishable or liable to depreciation, or the custody and proper
3267 preservation of which would be difficult or expensive, is attached,
3268 either party to the suit may apply to any judge of the court to which
3269 such process is returnable for an order to sell the same, and thereupon,
3270 after such reasonable notice to the adverse party as such judge directs,
3271 and upon satisfactory proof that such sale is necessary and proper, and
3272 payment of his fees by the party making such application, he may
3273 order such property to be sold by the officer who attached the same,
3274 or, in case of his inability, by [the sheriff of the county, or by any of his
3275 deputies] a state marshal, or any indifferent person requested in
3276 writing to do so by such attaching officer, at public auction, at such
3277 time and place, and upon such notice, as such judge deems reasonable;
3278 and he may, at his discretion, order the officer making such sale to
3279 deposit the avails with the clerk of such court.

3305 His Attorney

3306

3307 ORDER

3308 The above application having been presented to the court, it is
3309 hereby ordered that a hearing be held thereon at ... (time) on ... (date)
3310 and that the applicant give notice to the following persons: ... (Names
3311 and addresses of persons entitled to notice) of the pendency of said
3312 application and of the time when it will be heard by causing a true and
3313 attested copy of the application and of this order to be served upon
3314 such persons by some proper officer or indifferent person on or before
3315 ... and that due return of such notice be made to this court.

3316 Dated at this day of, 19...

3317

3318 (Clerk of the Court)

3319

3320 SUMMONS

3321 To [the sheriff] a state marshal of the county of ..., [his deputy] or
3322 either constable of the town of ..., in said county,

3323 Greeting:

3324 By authority of the state of Connecticut, you are hereby commanded
3325 to serve a true and attested copy of the above application and order
3326 upon ..., of ... by leaving the same in his hands or at his usual place of
3327 abode (or such other notice as ordered by the court) on or before

3328 Hereof fail not but due service and return make.

3329 Dated at this day of 19...

3330

3331 (Commissioner of the Superior Court)

3332 (1) The clerk upon receipt of all such documents in duplicate, if he
3333 finds them to be in proper form, shall fix a date for a hearing on the
3334 application and sign the order of hearing and notice. A copy of the
3335 original document shall be placed in the court file.

3336 (2) The clerk shall deliver to the applicant's attorney the original of
3337 such documents for service. Service having been made, such original
3338 documents shall be returned to such court with the endorsement by
3339 the officer of his actions.

3340 Sec. 114. Subdivision (12) of section 52-350a of the general statutes is
3341 repealed and the following is substituted in lieu thereof:

3342 (12) "Levying officer" means a [sheriff, deputy sheriff] state marshal
3343 or constable acting within his geographical jurisdiction or in IV-D
3344 cases, any investigator employed by the Commissioner of Social
3345 Services.

3346 Sec. 115. Subsection (d) of section 52-434 of the general statutes is
3347 repealed and the following is substituted in lieu thereof:

3348 (d) Each judge trial referee may have the attendance of a [sheriff or
3349 deputy sheriff] judicial police officer at any hearing before him. The
3350 [sheriff or deputy sheriff] judicial police officer shall receive the same
3351 compensation provided for attendance at regular sessions of the court
3352 from which the case was referred and such compensation shall be
3353 taxed by the state referee in the same manner as similar costs are taxed
3354 by the judges of the court.

3355 Sec. 116. Subsection (a) of section 52-593a of the general statutes is
3356 repealed and the following is substituted in lieu thereof:

3357 (a) Except in the case of an appeal from an administrative agency
3358 governed by section 4-183, a cause or right of action shall not be lost
3359 because of the passage of the time limited by law within which the
3360 action may be brought, if the process to be served is personally

3361 delivered to an officer authorized to serve the process or is personally
3362 delivered to [the office of] any [sheriff] state marshal within the time
3363 limited by law, and the process is served, as provided by law, within
3364 fifteen days of the delivery.

3365 Sec. 117. Section 53-164 of the general statutes is repealed and the
3366 following is substituted in lieu thereof:

3367 Any person who aids or abets any inmate in escaping from Long
3368 Lane School, the Connecticut School for Boys* or The Southbury
3369 Training School or who knowingly harbors any such inmate, or aids in
3370 abducting any such inmate who has been paroled from the person or
3371 persons to whose care and service such inmate has been legally
3372 committed, shall be fined not more than five hundred dollars or
3373 imprisoned not more than three months or both. Any [sheriff, deputy
3374 sheriff,] constable or officer of state or local police, and any officer or
3375 employee of any of said institutions, is authorized and directed to
3376 arrest any person who has escaped therefrom and return him thereto.

3377 Sec. 118. Subsection (f) of section 53-202 of the general statutes is
3378 repealed and the following is substituted in lieu thereof:

3379 (f) Each manufacturer shall keep a register of all machine guns
3380 manufactured or handled by him. Such register shall show the model
3381 and serial number, date of manufacture, sale, loan, gift, delivery or
3382 receipt, of each machine gun, the name, address and occupation of the
3383 person to whom the machine gun was sold, loaned, given or delivered,
3384 or from whom it was received and the purpose for which it was
3385 acquired by the person to whom the machine gun was sold, loaned,
3386 given or delivered. Upon demand, any manufacturer shall permit any
3387 marshal, [sheriff] or police officer to inspect his entire stock of machine
3388 guns, and parts and supplies therefor, and shall produce the register,
3389 herein required, for inspection. Any person who violates any provision
3390 of this subsection shall be fined not more than two thousand dollars.

3391 Sec. 119. Section 53-264 of the general statutes is repealed and the
3392 following is substituted in lieu thereof:

3393 Each attorney, [sheriff, deputy sheriff] state marshal or constable,
3394 who, with intent to make gain by the fees of collection, purchases and
3395 sues upon any choses in action, shall be fined not more than one
3396 hundred dollars.

3397 Sec. 120. Section 53a-54b of the general statutes is repealed and the
3398 following is substituted in lieu thereof:

3399 A person is guilty of a capital felony who is convicted of any of the
3400 following: (1) Murder of a member of the Division of State Police
3401 within the Department of Public Safety or of any local police
3402 department, a chief inspector or inspector in the Division of Criminal
3403 Justice, a [sheriff or deputy sheriff] state marshal or judicial police
3404 officer who is exercising authority granted under any provision of the
3405 general statutes, a constable who performs criminal law enforcement
3406 duties, a special policeman appointed under section 29-18, an
3407 employee of the Department of Correction or a person providing
3408 services on behalf of said department when such employee or person
3409 is acting within the scope of his employment or duties in a correctional
3410 institution or facility and the actor is confined in such institution or
3411 facility, or any fireman, while such victim was acting within the scope
3412 of his duties; (2) murder committed by a defendant who is hired to
3413 commit the same for pecuniary gain or murder committed by one who
3414 is hired by the defendant to commit the same for pecuniary gain; (3)
3415 murder committed by one who has previously been convicted of
3416 intentional murder or of murder committed in the course of
3417 commission of a felony; (4) murder committed by one who was, at the
3418 time of commission of the murder, under sentence of life
3419 imprisonment; (5) murder by a kidnapper of a kidnapped person
3420 during the course of the kidnapping or before such person is able to
3421 return or be returned to safety; (6) the illegal sale, for economic gain, of
3422 cocaine, heroin or methadone to a person who dies as a direct result of
3423 the use by him of such cocaine, heroin or methadone; (7) murder
3424 committed in the course of the commission of sexual assault in the first
3425 degree; (8) murder of two or more persons at the same time or in the
3426 course of a single transaction; or (9) murder of a person under sixteen

3427 years of age.

3428 Sec. 121. Section 54-98 of the general statutes is repealed and the
3429 following is substituted in lieu thereof:

3430 [Sheriffs] The Chief Court Administrator shall execute each
3431 mittimus for the commitment of convicts to the Connecticut
3432 Correctional Institution, Somers, by delivering such convicts to the
3433 warden of said institution or his agent at said institution. [and such
3434 sheriffs shall receive for such transportation, for each prisoner, twenty-
3435 five cents per mile from the community correctional center in which
3436 such prisoner is confined to the Connecticut Correctional Institution,
3437 Somers, to be taxed and paid as other expenses in criminal cases.]

3438 Sec. 122. Section 54-101 of the general statutes is repealed and the
3439 following is substituted in lieu thereof:

3440 When any person detained at the Connecticut Correctional
3441 Institution, Somers, awaiting execution of a sentence of death appears
3442 to the warden thereof to be insane, the warden may make application
3443 to the superior court for the judicial district of Tolland having either
3444 civil or criminal jurisdiction or, if said court is not in session, to any
3445 judge of the Superior Court, and, after hearing upon such application,
3446 notice thereof having been given to the state's attorney for the judicial
3447 district wherein such person was convicted, said court or such judge
3448 may, if it appears advisable, appoint three reputable physicians to
3449 examine as to the mental condition of the person so committed. Upon
3450 return to said court or such judge of a certificate by such physicians, or
3451 a majority of them, stating that such person is insane, said court or
3452 such judge shall order the sentence of execution to be stayed and such
3453 person to be transferred to any state hospital for mental illness for
3454 confinement, support and treatment until he recovers his sanity, and
3455 shall cause a mittimus to be issued to the [sheriff of Tolland County, or
3456 either of his deputies,] Department of Correction for such
3457 commitment. If, at any time thereafter, the superintendent of the state
3458 hospital to which such person has been committed is of the opinion

3459 that he has recovered his sanity, he shall so report to the state's
3460 attorney for the judicial district wherein the conviction was had and
3461 such attorney shall thereupon make application to the superior court
3462 for such judicial district having criminal jurisdiction, for the issuance
3463 of a warrant of execution for such sentence, and, if said court finds that
3464 such person has recovered his sanity, it shall cause a mittimus to be
3465 issued for his return to the Connecticut Correctional Institution,
3466 Somers, there to be received and kept until a day designated in the
3467 mittimus for the infliction of the death penalty, and thereupon said
3468 penalty shall be inflicted, in accordance with the provisions of the
3469 statutes.

3470 Sec. 123. Section 54-127 of the general statutes is repealed and the
3471 following is substituted in lieu thereof:

3472 The request of the Commissioner of Correction or any officer of the
3473 Department of Correction so designated by the commissioner, or of the
3474 Board of Parole, its chairman or any officer of the Board of Parole
3475 designated by the chairman shall be sufficient warrant to authorize
3476 any officer of the Department of Correction or of the Board of Parole,
3477 as the case may be, or any officer authorized by law to serve criminal
3478 process within this state, to return any convict or inmate on parole into
3479 actual custody; and any such officer, police officer, constable or
3480 [sheriff] state marshal shall arrest and hold any parolee or inmate
3481 when so requested, without any written warrant.

3482 Sec. 124. Section 53-164 of the general statutes, as amended by
3483 section 24 of public act 99-26, is repealed and the following is
3484 substituted in lieu thereof:

3485 Any person who aids or abets any inmate in escaping from the
3486 Connecticut Juvenile Training School or The Southbury Training
3487 School or who knowingly harbors any such inmate, or aids in
3488 abducting any such inmate who has been paroled from the person or
3489 persons to whose care and service such inmate has been legally
3490 committed, shall be fined not more than five hundred dollars or

3491 imprisoned not more than three months or both. Any [sheriff, deputy
3492 sheriff,] constable or officer of state or local police, and any officer or
3493 employee of any of said institutions, is authorized and directed to
3494 arrest any person who has escaped therefrom and return him thereto.

3495 Sec. 125. Subdivision (17) of subsection (b) of section 54-203 of the
3496 general statutes, as amended by sections 1 to 3, inclusive, of public act
3497 99-184, is repealed and the following is substituted in lieu thereof:

3498 (17) To provide a training program for judges, prosecutors, police,
3499 probation and parole personnel, bail commissioners, officers from the
3500 Department of Correction and [special deputy sheriffs] judicial police
3501 officers to inform them of victims' rights and available services.

3502 Sec. 126. Section 6-29 of the general statutes is repealed and the
3503 following is substituted in lieu thereof:

3504 No judge, except a judge of probate, and no justice of the peace shall
3505 hold the office of [sheriff or deputy sheriff] state marshal.

3506 Sec. 127. Section 6-30 of the general statutes is repealed and the
3507 following is substituted in lieu thereof:

3508 No person shall enter upon the duties of [sheriff] state marshal until
3509 he executes a bond of ten thousand dollars, to the acceptance of the
3510 Governor, payable to the state, conditioned that he will faithfully
3511 discharge the duties of his office, [including his duties when serving as
3512 deputy of another sheriff under the provisions of section 6-38,] and
3513 answer all damages which any person may sustain by his
3514 unfaithfulness, malfeasance, wrongdoing, misfeasance or neglect; and
3515 the Governor may, at any time, demand of any [sheriff] state marshal a
3516 new bond and, on neglect or refusal to give it, such [sheriff] state
3517 marshal shall be considered to have resigned his office, provided no
3518 such [sheriff] state marshal shall collect tax warrants for the state or
3519 any municipality until such [sheriff] state marshal executes a bond of
3520 one hundred thousand dollars. Each [sheriff] state marshal shall
3521 receive a commission and his bond shall be lodged with the Secretary

3522 and recorded in the records of the state and a copy thereof, certified by
3523 the Secretary, shall be evidence of its execution.

3524 Sec. 128. Section 6-30a of the general statutes is repealed and the
3525 following is substituted in lieu thereof:

3526 [Each sheriff and deputy sheriff, on or after October 1, 1976,] On and
3527 after the effective date of this act, each state marshal shall be required
3528 to carry personal liability insurance for damages caused by reason of
3529 his tortious acts in not less than the following amounts: For damages
3530 caused to any one person or to the property of any one person, one
3531 hundred thousand dollars and for damages caused to more than one
3532 person or to the property of more than one person, three hundred
3533 thousand dollars. For the purpose of this section "tortious act" means
3534 negligent acts, errors or omissions for which such [sheriff or deputy
3535 sheriff] state marshal may become legally obligated to any damages for
3536 false arrest, erroneous service of civil papers, false imprisonment,
3537 malicious prosecution, libel, slander, defamation of character, violation
3538 of property rights or assault and battery if committed while making or
3539 attempting to make an arrest or against a person under arrest;
3540 provided, it shall not include any such act unless committed in the
3541 performance of the official duties of such [sheriff or deputy sheriff]
3542 state marshal.

3543 Sec. 129. Section 6-32 of the general statutes is repealed and the
3544 following is substituted in lieu thereof:

3545 Each [sheriff and each deputy sheriff] state marshal shall receive
3546 each process directed to him when tendered, execute it promptly and
3547 make true return thereof; and shall, without any fee, give receipts
3548 when demanded for all civil process delivered to him to be served,
3549 specifying the names of the parties, the date of the writ, the time of
3550 delivery and the sum or thing in demand. If any [sheriff] state marshal
3551 does not duly and promptly execute and return any such process or
3552 makes a false or illegal return thereof, he shall be liable to pay double
3553 the amount of all damages to the party aggrieved.

3554 Sec. 130. The unexpended balance of funds appropriated to the
3555 county sheriffs in section 11 of special act 99-10 shall be transferred to
3556 the Judicial Department.

3557 Sec. 131. Sections 6-31, 6-32a, 6-32b, 6-34, 6-35, 6-37, 6-37a, 6-39 to 6-
3558 41, inclusive, 6-44 to 6-48, inclusive, 9-182 and 9-331 of the general
3559 statutes are repealed.

3560 Sec. 132. Sections 6-33a and 6-36 of the general statutes are repealed.

3561 Sec. 133. This act shall take effect July 1, 2000, except that sections
3562 130 and 132 shall take effect January 1, 2001, and section 124 shall take
3563 effect upon the filing with the Governor and General Assembly of
3564 written certification by the Commissioner of Children and Families
3565 that the new Connecticut Juvenile Training Center is operational.

JUD Committee Vote: Yea 29 Nay 10 JFS

APP Committee Vote: Yea 31 Nay 4 JF

GAE Committee Vote: Yea 19 Nay 2 JF

LAB Committee Vote: Yea 12 Nay 1 JF